



Minutes of the meeting of the **Planning Committee** held virtually on Wednesday 4 November 2020 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 H Potter, Mr D Rodgers, Mrs S Sharp and Mr A Sutton

Members not present: Mrs D Johnson and Mr P Wilding

In attendance by invitation:

Officers present: Mr T Ayling (Divisional Manager for Planning Policy), Miss J Bell (Development Manager (Majors and Business)), Ms H Chivers (Planning Policy Officer), Miss N Golding (Principal Solicitor), Mr S Harris (Principal Planning Officer), Miss S Hurr (Democratic Services Officer), Miss T Lang (Principal Planning Officer (Enforcement)), Mr M Mew (Principal Planning Officer), Mr S Shaw (County Highways (Development Management) Team Manager), Mrs F Stevens (Development Manager (Applications)), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr P Thomson (Environmental Health Officer) and Mr T Whitty (Divisional Manager for Development Management)

147 **Chair's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

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

148 **Approval of Minutes**

RESOLVED

That with the addition of the following sentence to the minutes for planning application EWB/19/00431/AGR – Hundredsteddle Farm, Hundredsteddle Lane, Birdham:

‘Members wished for it to be noted that they supported farming and agricultural enterprise, and the suggested potential for a reduction in vehicle movements which would have resulted from the proposed application.’

that the minutes of 7 October 2020 be approved.

149 **Urgent Items**

There were no urgent items.

150 **Declarations of Interests**

Miss Golding advised that although item 5 on the agenda, CC/20/01914/FUL – St James Industrial Estate, Westhampnett Road, Chichester was the Council's own application, legislation states that the Council should determine its own applications. Miss Golding further advised that although two Members of the Committee were cabinet Members (Mr Briscoe and Mr Sutton), and the cabinet had recently debated tenancy of the site, that did not lead them to predetermination and both Members would be permitted to take part in the debate and vote. Both Mr Briscoe and Mr Sutton confirmed that had not predetermined their views regarding the application.

Rev. Bowden declared a personal interest in respect of planning applications CC/20/01914/FUL, CC/19/03122/REM and CC/20/02322/ADV as a Member of Chichester City Council.

Mr Oakley declared a personal interest in respect of planning applications CC/20/01914/FUL, CC/19/03122/REM and BI/20/01130/FUL as a Member of Chichester City Council.

Mrs Purnell declared a personal interest in respect of planning applications CC/20/01914/FUL, CC/19/03122/REM and BI/20/01130/FUL as a Member of Chichester City Council.

Mrs Sharp declared a personal interest in respect of planning applications CC/20/01914/FUL, CC/19/03122/REM and CC/20/02322/ADV as a Member of Chichester City Council.

151 **CC/20/01914/FUL - St James Industrial Estate, Westhampnett Road, Chichester, West Sussex, PO19 7JU (item start time approximately 9.35am)**

Rev Bowden proposed that item 5 was deferred to the following Planning Committee meeting, due the volume of information contained within the agenda update sheet and the short time Members had been given to read the information. Rev Bowden added that he also considered there were issues related to the Council upholding transparency.

Mr Whitty acknowledged that there were a number of changes on the agenda update sheet, but confirmed it was not uncommon for this document to list changes including to conditions; and, it was not unreasonable to continue to consider the matter at the current meeting.

Mrs Sharp confirmed that she would support Rev Bowden's proposal to defer, as she considered the information provided by the highway authority had been difficult

to follow and Mr Shaw had not been able to commit to a site visit to provide further details.

Mr Whitty advised that there had been a number of amendments related to the application in response to concerns raised, but the changes were relatively minor and it was not statutorily necessary to further consult with regards to changes which were not materially or significantly different. Mr Whitty confirmed there was no reason to defer determination prior to the officer's presentation and debate and following the debate Members could then take the decision as to whether a deferment was necessary.

Mr Shaw confirmed he had provided further information earlier in the day, prior to the meeting in response to Members requests for clarification received the previous day and could expand on the information as required during the meeting. In response to Mrs Sharp, Mr Shaw confirmed he had been unable to attend a site visit due to other commitments.

Mr Thomson further concurred that deferment relating to environmental health information was unnecessary, as only minor changes to conditions had been made and he could also expand on the information as required during the meeting.

Miss Golding further advised that officers should be permitted to present the item and provide an explanation of the matters included on the agenda update sheet before considering deferment. Rev Bowden confirmed he was prepared to accept officer's advice.

Ms Thatcher presented the item to Members and outlined the details provided in the agenda update sheet. The agenda update sheet included typing amendments and further alterations following recent Government legislative changes regarding use classes, which had taken place after the application had been received. The Council's solicitor had advised the description relating to the development remain as referenced with the previous use classes, and for consistency any subsequent conditions would also relate to the previous use classes, in accordance with the transitional provisions in the 2020 regulations. Ms Thatcher confirmed amended applicant details had also been corrected and post publication, a further letter of objection had been received which was listed on the sheet. An amended proposed site plan had been received, which detailed that the north-eastern section of the boundary wall would be retained, but realigned 1.2 metres to the west, to accommodate a widened footpath; with, further consultation received from West Sussex County Council Rights of Way, and Highways regarding the footpath. An additional condition to secure the widened footpath surface was also included. Further minor changes had been made to conditions relating to noise and deliveries, and there had been a requirement to delete Condition 34 (operational hours) and to secure matters relating to noise and disturbance via further conditions. The environmental health officer required further minor changes regarding the construction, contamination, noise and disturbance, to ensure conditions were relevant, robust and enforceable. Ms Thatcher also confirmed two additional informatives relating to noise and an update in legislation.

The Committee received the following speakers:

Ian Friel – Objector
Bryan Finlay – Objector
Alex Munday – Objector
Richard Allin – Agent
Kevin Hughes – CDC Councillor

Officers responded to Members' comments and questions.

Mr Shaw explained the highways authority had a desire to improve sustainable transport links along Westhampnett corridor, but could not secure those improvements via this specific planning application. It was necessary to secure improvements through appropriate means and the justification was not available in terms of planning legislation, in relation to this planning application to do so.

Ms Thatcher advised that the applicant had confirmed that as part of the proposals to improve accessibility within the site, the majority of the levels would be regraded to ensure the existing differing levels were less pronounced. Parts of the site would be lowered which would also lessen the impact of Block 1 which was reduced in height on the eastern side. The boundary wall was also retained (in its relocated position) which would aid screening. To the rear of the site all existing trees within the cemetery would be retained and there would also additional planting to the southern boundary.

Ms Thatcher explained other than the tenant for Block 1, there were twenty other occupiers on the site each with differing operational requirements, and therefore on the advice of the environmental officer, condition 34 was deleted and appropriate hours of operation secured via a 'Noise Management and Mitigation Scheme, which would also cover any future occupiers within the site and would ensure the Council retained control. Delivery hours were also tightened to include no HGV movements between specific times and conditions which would require details of external plant to be submitted for approval prior to installation. Other conditions related to air quality and odours, to ensure there was no significant impact to the residential amenity; a lighting condition for the assessment of external lighting, and the class use was restricted ensuring no B2 use on site. Ms Thatcher confirmed therefore, with the numerous conditions in place it was deemed appropriate to delete Condition 34.

Mr Thomson confirmed that the environmental health team accepted the proposed development subject to robust conditions, which totalled twelve and were considered to adequately safeguard the amenity of the area. The most notable of the conditions was 37, which prohibited the B2 use, which was used for heavier industrial activities, and only B1 and B8 activities would be permitted, which could take place in close proximity to residential areas. In addition, other conditions related to noise and on the matter of the opening of windows, condition 16 referred to the 'Noise Mitigation and Management Scheme' which would result in each tenancy and occupancy being examined on its specific merits, and appropriate conditions in relation to operation put in place, including for the opening of windows.

Miss Bell confirmed with regards to any amendments on the approved plans, these would be considered and examined as appropriate. On the matter of the mezzanine floor, a viability assessment had not been carried out, and what the applicant was seeking was currently unknown, although it had been assessed for the proposed heights, and this was the scheme before Members for debate. With regards to the non-designated heritage asset in relation to the cemetery at the rear, Miss Bell was not aware if this had been given as a formal document but consideration had been given to the surrounding relationships, and details had been given regarding the boundary treatments and a landscape condition included.

Mr Whitty confirmed that officers were unaware of whom the tenant may be for Block 1 and that that application proposal was for a particular use class B1 and B8, with conditions controlling further disturbance, which was what the Committee must consider.

Mr Thomson iterated that the Noise Mitigation and Management Scheme would control fork-lift truck movements and times they were in use, which would also control deliveries as often fork-lift trucks were used in conjunction with deliveries. Fork-lift trucks would also only use broadband reversing alarms to minimise impact. With regards to air quality assessment, these would be undertaken when tenants were in occupation and mitigation measures established at that point.

Ms Thatcher confirmed that in 2019 the Planning Policy team commented that 36% of the floor space was vacant, as the building did not attract tenants due issues such as the buildings do not retain heat well, and only shared toilet facilities were available, hence the rationale for the development. With regard to the cladding used for the buildings, the materials were part of the conditions and other legislation relating to building regulations, would control matters related to flammability. On the matter of the eastern wall, it would be demolished and reconstructed to provide the extra width to the footpath. With regards to air quality, the environment health officer had reworded the information appropriately on the agenda update sheet for the commercial operations on the site. With regards to the windows to the east, the plans did not suggest they were obscured glazed or non-opening, and Ms Thatcher confirmed that this could be added as a condition.

Mr Shaw explained that there was a proposed increase in jobs, but not an increase in traffic levels as the figures referenced were the potential increases identified in the transport assessment for pedestrians and cyclists. The figures suggested that there would be no increase in cyclist trips from an existing level of three trips and a small increase in pedestrian trips by one and up to 37, but increases were expected in car trips by 71, light goods vehicles trips by 36 and taxis trips by one, therefore, not a significant level of increase in trips.

With regards to views from the south-east and south-west Ms Thatcher responded that she did not have plans providing this detail. Block 1 would be higher, but would have a pitched roof and step down in height, and officers also considered the development would provide economic benefit. Mr Whitty further responded that this was the redevelopment of a site, in a city location and officers accepted that there would be a change in the view from the south. The site was also in close proximity to other sites that had permission for development for industrial and commercial

use. Officers also considered that style of building was acceptable with different roof pitches, glazed openings and would be constructed of materials of good quality and vegetation would soften the appearance and view. Whilst the blanket condition had been removed, Mr Thomson had made it clear the Council would have better targeted control. Mr Whitty added that with regards to the windows, they would be 14 metres from the boundary although he appreciated issues with regards to noise. Mr Whitty therefore confirmed a condition would be added which required the applicants to submit details regarding the windows, located on the east elevation of Block 1, to mitigate noise escape and light-spill.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

Members took a ten minute break

152 **CC/19/03122/REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH (item start time approximately 10.30am)**

Mr Harris presented the item to Members and drew attention to information on the agenda update sheet.

Mr Harris responded to Members' comments and questions. With regards to the photovoltaic panels, and other sustainability measures, they would be dealt with subsequently under the conditions of the outline consent. The indication in the sustainability report was that the applicant was looking to achieve a 19% CO₂ reduction, which was the target sought which had been achieved in scheme A, and it was reasonable to expect this would be repeated.

Mr Harris confirmed he would check the references in to application drawings in conditions 10 and 11 and amendment as necessary. Mr Harris also confirmed that there would be no change to proposed planting scheme relative to Scheme A.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

153 **CC/20/02322/ADV - Land On The West Side Of Broyle Road, Chichester, PO19 3PH (item start time approximately 11.15am)**

Mr Harris presented the item to Members.

Members did not require any further information.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

154 **KD/20/02180/FUL - Sussex Game Farm, Scratching Lane, Kirdford, RH14 0JN
(item start time approximately 11.40am)**

Mr Mew presented the item to Members and drew attention to information provided in the agenda update sheet.

Mr Mew responded to Members' comments and questions.

The Chairman advised Members that the lawful certificate made the agricultural tie unenforceable and that the raising of game was not listed as agricultural, which may have been the original breach. Mr Mew confirmed with regards to the definition of agriculture, the raising of game was related to a sport rather than food and therefore did not meet the definition, which was the reason for which the condition had been breached, and for that conclusion being drawn on the certificate of lawfulness. Mr Mew added that he could appreciate the Parish Council not wishing to condone a breach of policy, but there was no a breach due to the certificate of lawfulness being in place.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

155 **BI/20/01130/FUL - Plovers Cottage, Batchmere Road, Birdham, PO20 7LJ
(item start time approximately 12.00pm)**

Mr Mew presented the item to Members.

Officers responded to Members' comments and questions. Mr Whitty confirmed that the fall-back position was that the building had prior approval. In terms of the ability to apply for prior approval and removing permitted development initially, that could be done when granting new structures, but if an existing building was being considered and a change of use applied for. This also presented difficulty, due to the applicant already having the benefit of permitted development rights with that building, and the justification in each situation would have to be examined. With regards to the lack of a pavement, a dwelling was already granted within the location via prior approval, so could not be considered. With regards to the limited garden, the proposed building was only one metre larger than the existing building and on the matter of parking, the proposed building would sit further back on the site, so would allow for more parking to the front. On the matter of the pylons, there was already an existing building and therefore that was not a matter which could be considered in relation to refusal.

Mr Mew explained that with regards to nitrates, the proposed dwelling was not in an area which required such mitigation, although this was included in condition 5 which required details of the maintenance and management of the package treatment system. Mr Mew further confirmed on the matter of the reed-bed, as there was not a requirement to address nitrates and there was a fall-back under permitted development, it would not meet the test with regards to inclusion within a condition.

Mr Whitty advised that a planning authority cannot control parking on the highway and therefore cannot place a condition in this regard, but could ensure there was sufficient provision for parking construction vehicles on the site and to strengthen condition 3c, information would be placed in brackets to state sufficient space must be available to avoid construction vehicles parking on the highway.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

Members took a ten minute break

156 **Interim Policy Statement for Housing**

Miss Chivers presented the item to Members, drew attention to information provided in the agenda update sheet, and confirmed the title would be altered to 'Interim Position Statement for Housing'.

Officers responded to Members' comments and questions. Miss Chivers confirmed that 'Council' and 'Authority' both referred in this instance to the Local Planning Authority and this would be altered within the statement for clarity and consistency.

Miss Chivers confirmed that reference to LTN 120 and Manual for Streets could be included. Mr Whitty advised that as numerous pieces of guidance could be referenced, it may be more appropriate to state 'and other relevant government guidance, including the LTN 120 and Manual for Streets'.

With regards to paragraph 11, Miss Chivers responded she would need to review the reason for removal of reference to winter and ground water monitoring, but this may be due to its inclusion within the Surface Water and Foul Water Supplementary Planning Document.

On the matter of the fluidity of changes in planning policy, Miss Chivers responded that reference to could be made to emerging information and guidance which occurred during the lifetime of the statement. Mr Ayling added that a general acknowledgement that information was changing, may be more appropriate, and that the statement would remain under review.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

157 **Schedule of Outstanding Contraventions**

Mr Whitty confirmed that with regards to FU/18/00323/CONHI – Land south of West Stoke Farm, West Stoke, Funtington, an appeal had been lodged and Miss Lang further responded this matter was with the planning inspectorate and an appeal date was awaited. Mr Whitty further confirmed that officers would write to request an update.

Members agreed to note this item.

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

The Chairman confirmed in response to Members citing a number of updates since publication of the agenda that this information would be provided at the next Committee meeting.

Members agreed to note this item.

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

In response to Members questions, Mr Whitty confirmed he would raise the matter of Goodwood Estate's plans for a biomass energy system with South Downs National Park Authority and respond further to Members with details.

Members agreed to note this item.

160 Consideration of any late items as follows:

There were no late items.

161 Exclusion of the Press and Public

There were no part two items.

The meeting ended at 1.05 pm

CHAIRMAN

Date: