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Minutes of the meeting of the **Planning Committee** held in virtually on Wednesday 5 May 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, Mrs S Sharp and Mr P Wilding

Members not present: Mr D Rodgers

In attendance by invitation:

Officers present: Miss N Golding (Principal Solicitor), Mrs F Baker (Democratic Services Officer), Mr T Whitty (Divisional Manager for Development Management), Ms F Stevens (Development Manager (Applications)), Mr S Harris (Principal Planning Officer), Mr M Mew (Principal Planning Officer), Mr J Bushell (Principal Planning Officer) and Mr P Thomson (Environmental Health Officer)

43 **Chair's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

Apologies were received from Mr David Rogers.

44 **Approval of Minutes**

The minutes of from the 21 April 2021 were agreed as a true and accurate record.

45 **Urgent Items**

The Chairman announced that the following item would be considered at agenda item 13b;

- The Ministry for Housing, Communities and Local Government (MHCLG) and Department for Digital, Culture, Media and Sport (DCMS) consultation on change to permitted development rights for electronic communications infrastructure: technical consultation.

The Chairman informed the Committee that they had agreed to consider the item as an urgent item, having taken in to account the deadline for the consultation and the uncertainty of when the June meeting would be held.

46 **Declarations of Interests**

Rev. Bowden declared a personal interest in respect of CC/19/03191/REM as the Chichester District Council external representative on the Goodwood Airfield Consultative Committee.

Mr Oakley declared a personal interest in respect of;

- **TG/20/02726/FUL** as a member of Tangmere Parish Council and as a member of West Sussex County Council
- **LM/20/03360/FUL** as a member of West Sussex County Council
- **CC/20/03166/REM** as a member of West Sussex County Council
- **CC/19/03191/REM** as a member of West Sussex County Council

Mr Plowman declared a personal interest in respect of;

- **CC/20/03166/REM** as a member of Chichester City Council
- **CC/19/03191/REM** as a member of Chichester City Council, as the Chichester District Council external representative to the Goodwood Motor Circuit Consultative Committee, and the Chichester City Council external representative to the Goodwood Airfield Consultative Committee.

Mrs Purnell declared a personal interest in respect of;

- **TG/20/02726/FUL** as a member of West Sussex County Council
- **LM/20/03360/FUL** as a member of West Sussex County Council
- **CC/20/03166/REM** as a member of West Sussex County Council
- **CC/19/03191/REM** as a member of West Sussex County Council

47 **TG/20/02726/FUL The Co-operative Food, Malcolm Road, Tangmere, Chichester (9.35 approximate start time)**

Ms Stevens presented the item to the Committee and drew their attention to the Agenda Update Sheet which set out the following addendums to the report;

- Revised wording to informative 1. The first line of the informative should read as follows: *Provision shall be made within the Noise Management Plan for the incorporation of the following measures:*
- Representations: West Sussex Highways Clarification (04.05.21)

I can confirm that the Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The Committee received the following Speakers;

Mr Paul Martin – Objector

Officers responded to Member's questions and comments as follows;

In response to concerns regarding noise generated from the site, Mr Thomson confirmed that his team had been consulted as part of the application process and that a site visit was undertaken to fully understand the layout of the site and identify the nearest noise sensitive properties.

Mr Thomson informed the Committee that two noise sensitive assessments had been undertaken by Noise Solutions Ltd, and these had been submitted alongside the planning application. Of the assessment one focused on the noise generated by plant (AC unit, refrigerator's etc) and the second focused on noise generated by delivery transport. The assessments had been evaluated and Mr Thomson confirmed that he was satisfied with the survey methodology, assessment criteria and subsequent results. In addition Noise Solutions Ltd had undertaken a background noise survey and applied the following background levels; 39db during the daytime and 30db during the night. Mr Thomson informed the Committee that these levels were representative of the area and were in accordance with British Standard; BS4142, and were acceptable in planning terms.

Mr Thomson informed the Committee that the proposed condition be applied; 'that the plant which has been assessed and is proposed is put in, and if there is any variation from the plant which has been proposed and assessed then the local Planning Authority are made aware and another noise assessment is undertaken before installation'.

With regards to noise generated by delivery, Mr Thomson acknowledged that there would always be an element of noise associated with delivery. However, the Noise Management plan that had been submitted would keep noise levels to a minimum and would be an improvement on current noise levels. He highlighted that there would be a restriction on the number of lorries and the time of deliveries. Mr Thomson emphasised that the noise management plan was very robust with a wide range of proposed measures included to minimise noise levels, such as; padding on tailgates and an acoustically graded walkway.

With regards to planting on the northern side of the site Ms Stevens agreed to amend the recommendation to include a requirement that any gaps in planting along the northern boundary to be filled in within native plants. This would be beneficial as it would provide biodiversity opportunities, improve privacy and help minimise noise.

Ms Stevens confirmed that there was no concern the development would have any detrimental impact to the tree and hedging roots located on the north east side of the development site.

Following Member discussion regarding the inclusion of Informative 1 as a condition, Ms Stevens agreed that the recommendation could be amended to include it, along with the additional comments stating that the noise management plan must include the measures listed in informative 1 unless otherwise agreed in writing by the local planning authority; this would provide a degree of flexibility should there be any change in the operation of the site going forward.

Ms Stevens confirmed that there was cycle parking provision for four cycles, located on the southern side of the new entrance door.

Ms Stevens explained that the structure covering the walkway was very lightweight and therefore it would not be reasonable to request solar panels.

Mr Thomson informed the Committee that he was aware of a noise complaint that had been made to the Environmental Health team; the complaint had been dealt with and was in response to the existing plant currently in situ. He was unaware of what the outcome of the investigation had been, but reminded the Committee that the plant proposed in the application being considered would be a potential improvement.

In a vote Members' of the Planning Committee agreed the recommendation to **PERMIT**.

Recommendation to **Permit** agreed, subject to the conditions and informatives listed in the report, including the addition of Informative 1 being included within the relevant condition.

Members took a ten minute break.

48 **SB/21/00221/PLD Green Acre, Inlands Road, Nutbourne (10.20 approximate start time)**

Mr Mew presented the item to the Committee. Mr Mew informed Member's that this was a Certificate for Lawful Development and not an application seeking planning permission. He explained that a Certificate for Lawful Development is a mechanism by which the applicant can ask the planning authority whether planning permission is required or not. There are some distinct differences between a Certificate for Lawful Development and a planning application, the most significant being that Planning Policies and planning merits are not considerations that can be taken into account when assessing whether a certificate is lawful or not. Mr Mew referred to section 55 of the Town and Country Planning Act which set out what was classified as development and what was not classified as development.

The Chairman invited Ms Golding to address the Committee, and provide clarification over what a Certificate of Lawful Development is and how it differs from a planning application. Ms Golding reiterated what Mr Mew had said, and reminded the Committee that Planning Policies and planning merits could not be considered in the determination. In addition what the land had previously been used for or what it had had permission for was not relevant.

Ms Golding informed the Committee that in its simplest form a Certificate of Lawful Development was an interpretation of law, and members, in their determination had to decide whether the request was legal or not.

The Committee received the following speakers;
Mrs Amanda Tait – Parish Representative

Mrs Ceri Stunt – Supporter
Miss Eleanor White – Agent
Mr Jonathan Brown – CDC Member

Officers responded to Members' comments and questions as follows;

Mr Whitty acknowledged the concerns highlighted by both members' and speakers, but stressed that this was not a planning application and as such planning policies were not relevant in the determination of the application. He explained that agricultural use is not development and therefore requires no planning permission.

Mr Whitty confirmed that there were no gypsy and travellers living on the site and that the previous site owners had sold the site to the neighbouring developer. He explained that the issuing of a certificate in itself does not change the use of the land and it could still be used as a Gypsy and Traveller site. However, if the use subject of the certificate was to be implemented and the land was to revert to agriculture this would become the lawful use of the land.

Ms Golding confirmed that there is no time limit attached to a Certificate of Lawful Development.

In response to concerns raised over the applicant's future intention to build house on the site, Ms Golding confirmed that such a development would require planning permission and an application would have to be made to the planning authority for consideration.

Ms Golding explained that no conditions can be imposed on a Lawful Development Certificate.

With regard to the use of the land as a Gypsy and Traveller site, Ms Golding explained that if the land did not revert to agriculture this permission is still extant, however, if the land did change to agriculture than a further permission would be required to change the land from agriculture to any other use.

In a vote Members agreed the recommendation to permit.

Permit, subject to conditions and informatives listed in the report.

Members took a ten minute break

49 **LM/20/03360/FUL White Cottage, Copse Road, Hammer, Linchmere (11.05 approximate start time)**

Mr Mew presented the item to the Committee, and drew their attention to the Agenda Update Sheet which set out the following addendums to the report;

- Addendum to report

The description of the proposal should read: Construction of a two-storey side extension to provide 1 no. additional dwelling and associated works including parking.

The recommendation on page 31 should read: Delegate to officers to permit, subject to no objection being raised by the water service and sewerage service providers (South East Water and Thames Water).

- Additional Consultation Comments; received from (full correspondence set out on the Agenda Update sheet)
 - West Sussex Highways (further comments 04.05.21)
 - West Sussex Fire and Rescue Service (*further comments 29.04.2021*)
 - CDC Environmental Protection (*Further comments 28.04.2021*)
- Additional Third-Party Representations; a total of three third parties have submitted additional representations commenting on a further 17 matters, full details of which are set out in the Agenda Update Sheet.
- Applicant's supporting information; two letters have been submitted by the applicant in response to the further third party comments, dated 29th April and 3rd May. Full details are set out on the Agenda Update Sheet.
- Additional Conditions

8. Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, the dwelling at Plot 02 shall not be first occupied until the first floor window(s) in the west elevation of the development hereby permitted, shown to serve the landing and bathroom, shall be permanently;

- (i) glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and
- (ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed.

Reason: To protect the privacy of the occupants of the adjoining residential property.

9. Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) or door(s) shall be inserted into the north, west or south elevations of the dwelling at Plot 02 hereby permitted without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

In addition to the updates included within the Agenda Update Sheet, Mr Mew informed the Committee of one further update, this was to include a condition to secure details of landscape and boundary treatment and implementation.

The Committee received the following speakers;
Mr Andrew Slater – objector
Mr David Bateman – objector
Mrs Karen Clarke – on applicant’s behalf

Officers responded to Members’ questions and comments as follows;

Mr Mew clarified that there was an error on the update sheet and it should read as follows; ‘to delegate to officers, subject to no objection from the Water Authority to permit’.

Mr Mew confirmed that when he visited the site a site notice was displayed on the junction of Copse Road and the private road.

On the matter of whether a condition could be used to stop it from being a dwelling, Mr Mew explained that such a condition would only be used if self-contained accommodation were being provided. In addition if such a condition was to be applied it does not mean that it could never become a dwelling.

In response to concern over how refuse vehicles would access the site, Mr Mew informed the Committee that he did not have the details of how refuse vehicles accessed the site however; he did not envisage any issue.

Mr Mew confirmed that WSCC Highways have viewed the Swept Path Analysis and have raised no objections.

With regards to the issue of whether there was a housing need in Lynchmere or not, Mr Whitty explained that the authorities housing requirement was district wide and therefore applied to Lynchmere.

Mr Whitty explained to the Committee that the recommendation ‘to permit, subject to no objection from the water authorities’ meant that if an objection or no comments are received from the water company than the application would be brought back to Committee. He informed the Committee that the planning authority can seek their advice regardless of whether they are a statutory consultee or not.

In a vote Members agreed the recommendation to permit.

Recommendation to **Permit** agreed, subject to objection being received from the water authority and the conditions and informatives set out in the report.

Mr Harris presented the item to the Committee.

The Committee received the following speaker:
Mr Nick Billington – agent (statement read by Mrs Baker)

Officers responded to Members' comments and questions as follows;

On the matter of the treatment and design of the green area referred to as 'Eastern Square' Mr Harris explained that this had been agreed under an earlier Reserved Matters application. He did not have the details but recalled that it was meant to be an informal area of open space with approved planting of specific trees; he did not believe that there was any provision for play equipment at the site.

On the matter of the treatment of the dwellings around the area, Mr Harris explained that officers had worked with the developers to ensure that the area is framed appropriately. For example the dwellings along the south side of were originally terraced units, however they have now been broken up with enhanced details and materials to improve the street scene around the area.

Mr Harris acknowledged that the majority of affordable housing was located within one area of the site, however, there was some peppercorning and this did accord with the requirements of the SPD Guidance and the approach taken on other parcels within the SDL.

On the matter of the overall provision of affordable housing, Mr Harris confirmed that the overall number of affordable housing located throughout the entire site would meet the requirements of the outline planning permission. He explained the four affordable homes removed from this particular site had been redistributed into parcel 5G (another site to be developed by Linden Homes). In addition he assured the Committee that as the final parcels of land were being developed, the authority Housing Officers were very carefully monitoring the provision of affordable housing to ensure that the correct amount is delivered.

On the matter of whether the affordable housing proposed would be indistinguishable from other houses on site, Mr Harris informed the Committee that officers had worked closely with developers to make them as indistinguishable as possible.

With regards to the proposed parking provision at the allotments, Mr Harris explained that the parking provision for the allotments was not part of the application that the Committee were being asked to determine, however, he confirmed that the issues raised by the Committee would be taken into account. In addition as part of the forthcoming S106 agreement which would run alongside the Reserved Matters Application the applicants would be required to submit an 'Allotments Scheme' which would address the issues such as waste collection, water provision and the size of pitches, all in line with the draft specification for the allotments which was included in the S106.

Mr Harris confirmed that the footpath running along the west of the site was suitable for wheelchair users. In addition Mr Shaw provided the Committee with some background information regarding the design principles of footways and shared surfaces, and further confirmed that the proposals were in line with Manual for Streets and demonstrated best practice including dropped kerbs and tactile paving within their design.

With regards to concerns over inappropriate parking, Mr Harris explained that this had been part of the consideration and reason why the area had reverted to a shared space. There would also be a width barrier to discourage anti-social parking.

Mr Harris informed the Committee that both traffic signage and the location of the proposed bench at the southern side of the site would be considered as part of a separate application.

With regards to the cycle link on to Centurion Way, Mr Shaw confirmed that access would be via a dropped kerb in order to provide the most appropriate access and encourage a continuous movement of traffic. He explained that a single bollard would be installed in the centre of the cycle link (at the development end) to try and discourage vehicular access, but still allow for the adequate movement of both cyclists and pedestrians. Mr Shaw informed the Committee that if they did wish to see further landscaping this is something that could be considered.

With regards to parking provision, Mr Shaw acknowledged comments made by the Committee and explained that these would be considered as part of a future Reserves Matter Application.

In response to the potential of the inappropriate use of parking provision on the site, Mr Shaw explained that visitor parking was designed solely for the use of visitors, the enforcement of which would be undertaken by the site management company.

On the matter of the 'white area' of the plan Mr Harris confirmed that it had not originally been considered as part of the allotments and its development did not have any impact on the overall allotment provision, which was determined in the Outline Application's Parameter Plans.

In a vote Members agreed the recommendation to permit.

Recommendation to **Permit** agreed subject to the conditions and informatives as listed in the report.

Members took a ten minute break

51 **CC/19/03191/REM Phase 2 Of The Westhampnett/North East Chichester SDL Land North East Of Graylingwell Park, Chichester (12.35 approximate start time)**

Mr Bushell presented the report to the Committee. As part of the presentation he drew the Committee's attention to the 'Lavant Valley Linear Greenspace' which is a 3m wide cycle and pedestrian path that runs along River Lavant before linking up

into Fordwater Road. Details for delivery of the path have been secured through earlier outline planning permission and the associated section 106 agreement.

The Mr Bushell reminded the Committee that a series of three parameter plans had already been approved as part of the outline planning permission and a condition was included in that permission to ensure that the Reserved Matters were in broad compliance with what was shown in those parameter plans.

**Cllr Plowman left the meeting at 1.02pm.*

The Committee received the following speakers;

Mr Roy Littleford – Objector

Mr Craig Burden – Applicant

Mr Bushell responded to Members' comments and questions as follows;

With regards to the landscape planting, Mr Bushell acknowledged Members' comments but disagreed that it had been compromised in order to safeguard the delivery of 200 homes. Whilst a major structural planting scheme had not been submitted (as anticipated by Policy 17 of the Local Plan), a very detailed and carefully considered landscaping scheme had been submitted which included planting along the north and south orientated streets to help soften the visual impact of the development. Officers had worked closely with the developers to ensure that the most appropriate compromise between the need to deliver 200 houses and the planting of new trees was achieved. This included tree planting within the site and on the eastern boundary.

Mr Bushell confirmed that the shared use of the Lavant Valley Path (represented by the broken blue line in the presentation) was a public thoroughfare for the shared use of pedestrians and cyclists and a condition would be applied to ensure that the public were fully aware that this was the case, for example through the use of signage and surfacing treatment.

Mr Bushell explained that the Lavant Valley Path could not be realigned any closer to the River Lavant as this would negatively impact on both the SuDS basin and biodiversity interests within that part of the site.

On the matter of allotment provision, Mr Bushell confirmed that the section 106 agreement included provisions for the delivery, management and maintenance, however, in response to Members' comments this requirement could be tightened up to ensure that plans showing boundary fences and proposed layout were submitted by the developer and this could form part of a separate condition.

On the matter of the foul water pumping station, Mr Bushell confirmed that it had now been relocated to outside of the flood zone.

Mr Bushell confirmed that the road to the SE of the site was a 'no through road' and appropriate measures would be taken to ensure that there was no vehicular access from Madgwick Lane to the site.

On the matter of affordable housing provision, Mr Bushell, confirmed that the style and appearance of the market housing was also reflected in the affordable housing, for example in the use of wavy edge boarding and projecting brick plinths.

Mr Bushell informed the Committee that waste water from the site would be pumped down to Tangmere via the new strategic sewer. Redrow will apply directly to Southern Water in order to utilise the strategic pipeline.

Mr Bushell confirmed where the surface water attenuation basins were located and informed the Committee that the Environment Agency had been consulted on their location. He explained that the site was expected to drain via a combination of both direct infiltration to ground and piping to the basins. Whilst it was anticipated that the basins would remain dry for much of the year (they will not be lined), they did present biodiversity benefits in terms of the damper conditions.

On the matter of cycle and bin storage, Mr Bushell explained that this aspect was covered by a condition on the outlying application, and would be followed up as part of the discharging of conditions.

On the matter of garage parking, Mr Bushell agreed to tighten the condition in order to ensure garage spaces were used for parking purposes only. Note – the outline planning permission contains a condition in this regard so no further action is required.

Mr Bushell informed the Committee that access to Graylingwell from the site was subject to a separate application which had already been granted full permission. In addition he explained that this application did rely on the discharging of a number of conditions affixed to that application.

On the matter of the Lavant Valley Path, Mr Bushell informed the Committee that as part of the outlying planning permission, the S106 agreement had secured a sum of £50,000 towards the upgrade of footpath 459 to a bridleway. The upgrade will provide a continuous bridleway link along the valley to Fordwater Road and beyond to New Road.

Mr Bushell confirmed that WSCC would oversee the delivery and upgrade of the path. It was anticipated that the sum secured from the S106 would need to be match funded by WSCC to ensure that the upgraded PROW was delivered.

Mr Bushell was unable to provide details of bus provision as there was currently no information available.

On the matter of noise mitigation from the Goodwood Motor Racing Circuit, Mr Bushell confirmed that this had been considered in detail as part of the outline planning permission, and a very small number of new homes on the eastern periphery of the site were to be located within the 400m noise buffer zone. In addition he informed the Committee that there was a condition included within the outline permission that required the developer to detail and have approved the noise mitigation measures both indoors and outdoors for these properties.

On the matter of the amenity space, Mr Bushell acknowledged comments that there did appear to be less provision for residents of the flats, however he pointed out that all residents would have access to the nearby Havenstoke Park located to the west of the site and the level of provision was similar to the apartment blocks at the adjacent Graylingwell Park.

In a vote Members agreed the recommendation to permit.

Recommendation **Defer for Section 106 then permit** subject to the conditions and informatives listed in the report.

52 **Schedule of Contraventions**

Mrs Archer introduced the item to the Committee. She drew attention to the charts included within the report, and informed members that these had been added following feedback from the Committee. She explained that the charts provided a representation of the progress of current enforcement cases compared with previous.

Mrs Archer informed the Committee that there had been a spike in enforcement cases at that beginning of the Lockdown period, which accounted for the overall spike in the number of cases.

On the matter of the Birdham Gypsy site, Mrs Archer informed the Committee that the authority had received notification of the defendant's decision to apply to the courts for an extension of time to comply. She explained that it was originally agreed that they should have left the site by the end of March 2021 and completed works of compliance by the end of April 2021, however, as a to comply with the Governments road map out of the Lockdown permission was granted to allow them to remain until June 2021. As yet there has been no confirmation from the courts as to whether the application for an extension to time has been successful. As a result the authority will have to wait before pursuing the next course of action, which would be a site visit from the Enforcement team.

Officers responded to questions and comments as follows;

On the matter relating to land North West of Newbridge Farm, Mrs Archer informed the Committee that the gypsy site was currently going through the appeal process; however, running alongside the appeal is a separate application for the field to be used as a gypsy site. In addition, a further investigation is currently being undertaken on a neighbouring parcel of land regarding the use of the site, this investigation is separate to the gypsy site. Mrs Archer explained that the Inspector overseeing the appeal has been informed that there is a separate investigation taking place on a neighbouring plot of land, the for this was to clarify any regarding the lawful use of the land as a whole.

On the matter of Land East of Brook House, Mrs Archer explained the original land holding on which the shed was sited, had been split into a separate parcel of land and subsequent planning applications had been made to develop the shed as a boathouse. Protocol dictates that when a planning application is submitted on an

enforcement site then the investigation is paused and held in abeyance until the outcome of the application is determined; as a consequence this causes a delay in the investigation process. This case is currently being considered by the Planning Inspectorate.

Members agreed to note this item.

53 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 10 March 2021 and 13 April 2021**

Members agreed to note this item.

54 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 10 March 2021 and 13 April 2021**

Members agreed to note this item.

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

As announced by the Chairman at Agenda item 1 the following item was considered as a late item;

- MHCLG and DCMS Consultation on Change to permitted development rights for electronic communications infrastructure: technical consultation

56 **MHCLG and DCMS Consultation on Change to permitted development rights for electronic communications infrastructure: technical consultation**

Ms Stevens introduced the item to the Committee. She explained that the report set out the proposed changes to permitted development for telephone communication equipment. Ms Stevens drew the Committee's attention to Appendix 1 of the report which set out the proposed responses to the consultation.

Following the presentation Member's agreed to email Ms Stevens directly with any comments or questions they had regarding the proposed responses.

**Cllr Oakley left the meeting at 2.04pm*

The meeting closed at 2.05pm

57 **Exclusion of the Press and Public**

There were no restricted items.

The meeting ended at 2.05 pm

CHAIRMAN

Date: