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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 October 2021 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, Mr G McAra, Mr S Oakley, 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 N Golding (Principal Solicitor), Mrs F Stevens (Development Manager (Applications)), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr T Whitty (Divisional Manager for Development Management) and Mrs F Baker (Democratic Services Officer)

117 **Chairman's Announcements**

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

Apologies were received from Cllr Johnson, Cllr Wilding and; Cllr Sharp who would be absent for the start of the meeting.

118 **Approval of Minutes**

The following amendment to the meeting was noted;

- On page 10 of the Agenda pack, the minutes referred to 'Hudson Neighbourhood Plan' this would be amended to 'Hunston Neighbourhood Plan'.

The minutes of the meeting held on 8 September 2021 were agreed as a true and accurate record.

119 **Urgent Items**

There were no urgent items.

120 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of BO/21/02186/FUL as the external appointment to Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in;

- BO/21/02186/FUL as a member of West Sussex County Council
- CH/20/01139/OUT as a member of West Sussex County Council
- E/20/03289/FUL as a member of West Sussex County Council
- SB/20/02297/FUL as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- BO/21/02186/FUL as a member of West Sussex County Council
- CH/20/01139/OUT as a member of West Sussex County Council
- E/20/03289/FUL as a member of West Sussex County Council
- SB/20/02297/FUL as a member of West Sussex County Council

121 **BO/21/02186/FUL; Broadbridge Business Centre Delling Lane Bosham PO18 8NF (approximate start time 9.35am)**

Ms Thatcher presented the report to the Committee. She drew the Committee's attention to the Agenda Update sheet which included an additional comment from Bosham Parish Council who since publication of the report has withdrawn their objection to the application.

Ms Thatcher highlighted the site location to the Committee and outlined the proposed development. She explained that the application was a modification to the 2020 extant application for a similar scheme. Ms Thatcher confirmed that the proposed use of the development is the same as the 2020 permission.

She informed the Committee that the application for a gym and office space is considered to be an appropriate use in a semi-rural location, with the design sympathetic to the location and would not cause any harm to the AONB

There were no public representations.

Officers responded to Members' comments and questions as follows;

On the issue of tree planting along the western boundary; Ms Thatcher explained that the site boundary was wall and hedgerow which means that it would not be suitable for any tree planting.

On the issue of potential noise generated by the gym; Ms Thatcher informed the Committee that the application had been reviewed by the Environmental Protection Officer who was satisfied noise levels from the gym could be controlled and has recommended Condition 15 which requires a noise and vibration plan to be

submitted and approved by the Local Authority. In addition Mr Whitty confirmed that upon review the Environmental Protection Officer can set DB limits if they feel it is appropriate.

In a vote the Committee agreed to the report recommendation to **permit**.

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

*Members took a five minute break.

122 **CH/20/01139/OUT; Land South Of Springfield Hambrook Hill South Hambrook Chidham West Sussex (approximate start time 10.20am)**

Mrs Stevens presented her report to the Committee. The application is for Outline permission only with all other matters reserved. Mrs Stevens highlighted the site location and its proximity to the settlement boundary. She confirmed that the site was previously developed land and prior to becoming garden land it had been used as boarding kennels.

Mrs Stevens informed the Committee that the foul drainage from the development would enter the main sewer and discharge into Chichester Harbour. A nitrate mitigation proposal has been included and assessed as part of the application, and Natural England is satisfied with the proposal. The mitigation would be provided on site and would be controlled through a condition which is recommended within the Committee report.

Mrs Stevens explained that the Chidham & Hambrook Neighbourhood Plan allows for windfall development in rural locations on previously development land.

The Committee received representations from;

Cllr Adrian Moss – Chichester District Council Ward Member

Officers responded to Members' comments and questions as follows;

On the matter of the classification of the land was; Mrs Stevens confirmed that the land had been carefully considered by officers as part of the application assessment and clarified that the land was classed as garden land.

With regards to the need for the development; Mrs Stevens acknowledged that one dwelling would make no significant impact to the provision of housing stock within the local area, however the housing policies are out of date and there is no current five year housing supply, and when assessed against the NPPF there is no significant demonstrable harmful impacts. In addition; Mr Whitty explained that policy LP1 of the Neighbourhood Plan allows for windfall development on previously developed land, therefore even if there were a five year housing land supply the principal of development would still be acceptable.

With regards to nitrate mitigation; Mrs Stevens explained that the rewilding and replanting of urban areas in certain circumstances can be used as suitable mitigation for nitrates; the proposal has been approved by Natural England.

On the matter of precedence; Mr Whitty confirmed that the Neighbourhood Plan was made in 2016, after the Local Plan and therefore took precedence.

In a vote the Committee agreed to the report recommendation to **permit with S106**.

Recommendation; **permit with s106** subject to the conditions and informatives set out in the report.

*Members took a ten minute break

*Cllr Sharp joined the meeting at 10.25am

123 **E/20/03289/FUL; Earnley Gardens Almodington Lane Almodington Earnley PO20 7JR (approximate start time 11.05am)**

Mrs Stevens presented the report to the Committee. She drew the Committee's attention to the Agenda Update sheet which set out further supporting information from the Planning Agent. Mrs Stevens also gave a verbal update on the application which is recommended for refusal, in addition to the reasons cited in the report the access site lies within Flood zone 2 and has not been accompanied by a sequential test to demonstrate that the whole development cannot be accompanied in a lower risk flood area.

The application is in a rural location outside the settlement boundary of East Wittering & Bracklesham, West Wittering and Birdham; the nearest settlement to the site is Earnley. The proposal is for the development of five houses on a previous tourist attraction which ceased trading in March 2020. Mrs Stevens highlighted the site layout and its location to the Committee.

Whilst there a significant number of buildings already on site they are low level and do not cause any significant impact to the surrounding area.

The proposed buildings are all individually designed and propose to use natural materials in their construction and are appropriate for the location. However, Mrs Stevens explained that there is concern regarding the mass and bulk of the proposed development which would be out of context to the surrounding development along Almodington Lane. The site is in an unsustainable location with poor access to both services and amenities, which would require a strong reliance on motor vehicles.

The Committee received representations from;

Mr Robert Carey – Earnley Parish Council

Cllr Julian Joy – West Sussex County Council Councillor (statement read by Carley Lavendar)

Ms Julia Bowering – Supporter

Miss Elaine Standish – Supporter

Mr Farley - Supporter
Mr James Horsley - Applicant
Cllr Elizabeth Hamilton – Chichester District Council Ward Member

Officers responded to Members' comments and questions as follows;

With regards to the sequential test and the flood risk at the site entrance; Mr Whitty confirmed that the statutory bodies were aware of the flood risk and where that flood risk lay. The EA do not comment on flood risk with regard to flood zones, the sequential test that can be applied is undertaken by the local planning authority. Mr Whitty explained that the additional information regarding the flood zone at the access for the site had not been included within the Committee report as officers were only made aware of the issue prior to the start of the meeting. The applicant has engaged the sequential test and presented information to show that the site is no longer a viable employment site and has proposed that the only viable option for regeneration is through development.

In response to the concerns regarding the swales and drainage; Mrs Stevens informed the Committee that the proposed drainage scheme included the pond with a restrictive outflow, permeable surfaces and drainage provided throughout the site. In addition, there are currently a large number of hard surfaces already on site; therefore it is likely that there will be a decrease in surface water run-off as a result of the scheme. If the Committee were to permit the application then it is recommended that a drainage condition be included to ensure full details are submitted prior to commencement.

On the issue of undermining the authority's position at appeal regarding the Earnley Concourse; Mr Whitty assured the Committee that if they were minded to permit the application it would not undermine the council's position in response to the Earnley Concourse appeal.

With regards to the housing mix; Mrs Stevens confirmed that the housing mix had been discussed with the applicant; the justification that has been provided for the proposed housing mix is viability of what property is appropriate for the site. With regards to whether a varied mix of housing on the site could be viable; Mr Whitty explained that the level of detail to assess such viability had not been provided and therefore officers were unable to comment.

On the matter of ground heights at the site; Mr Whitty informed the Committee that the site height was between 4.5m to 5m AOD. He clarified that the required floor level figures referred to the finished floor level inside the building, the building itself does not need to be constructed several metres above the existing ground levels. If the Committee were to permit the application then a condition would be included to secure details of the proposed ground and floor levels prior to development.

With regards to Annexe 3 of the NPPF and reference to essential infrastructure; Mr Whitty explained that where a site has previously been developed then the sequential test which would normally be applied in this situation can be put to one side, as it may prevent the site from being redeveloped.

Mr Whitty advised the Committee that when determining the application they must apply the tilted balance to their decision making. He confirmed that the housing mix was a material consideration when determining an application.

Following the discussion Mr Barrett proposed that the application be permitted for the following reasons;

- the design of the development is sensitive to the surrounding location and landscape
- The site has been marketed and there has been no uptake for it as a commercial site; therefore housing development is the only viable option.
- The proposed design will support homeworking.
- When considering the tilted balance the application is in favour of design.

This proposal was seconded by Rev. Bowden.

In a vote the Committee voted to go against officer recommendation and **defer for s106 then permit**, (the Heads of Terms for the S106 and conditions to be delegated to officers).

Recommendation; **defer for s106 then permit**, (the Heads of Terms for the S106 and conditions to be delegated to officers).

*Members took a ten minute break.

124 **SB/20/02297/FUL; Land North West Of 139 Main Road Southbourne Hampshire (approximate start time 12.05pm)**

Mrs Stevens presented the report to the Committee, and drew the Committee's attention to the Agenda Update sheet which included an addendum to the report in respect of the Southbourne Neighbourhood Plan, and an addendum to the Decided Plans table.

Mrs Stevens highlighted the proposed layout of the development and its site location. She informed the Committee that in response to members concerns regarding the ongoing maintenance and access to the ditch and trees located around the perimeter of the development site; the applicant has proposed additional access points which will provide a suitable entry to the site for future maintenance. In addition, the applicant has recently used a mini digger to undertake maintenance work on the surrounding ditch network.

Updates to the report since the last Committee hearing in August 2021 when the application was deferred for further information could be identified by the bold typesetting in the report.

The Committee received representations from;

Cllr Amanda Tait – Southbourne Parish Council
Mr C Bowring - Objector
Mr Paul White – Agent

Officers responded to Members' comments and questions as follows;

On the matter of what weights could be afforded to the emerging Southbourne Neighbourhood Plan and the existing Southbourne Neighbourhood Plan; Mr Whitty explained that the existing Neighbourhood Plan is afforded the same weight as Chichester District's own existing plan. With regards to the emerging Neighbourhood Plan Mr Whitty acknowledged that as it enters Regulation 16 it does gather more weight, but until it has gone through inspection only a limited amount of weight can be afforded to it. He advised the Committee that there is also no significant impact between the emerging Neighbourhood Plan and the Interim Policy Statement (IPS), as there is not a five year housing land supply.

In response to concern regarding the number of dwellings; Mr Whitty informed the Committee that the original application had sought permission for nine dwellings; however; taking into consideration constraints around the site it was advised that the eight dwellings being applied were the maximum that the site could accommodate.

With regards to the omission of the standard condition regarding road construction; Mrs Stevens agreed that this could be included as an additional condition.

On the matter of planning policy and how the application differed from agenda item 6; Mrs Stevens explained that there were a number of differences between the applications in terms of policy consideration. One of the most significant differences is that the Neighbourhood Plan in the earlier application had been adopted and did allow for the provision of 'windfall' sites. In addition, the 'strategic gap' between Hermitage and Southbourne was not recognised in the existing Local Plan, Mrs Stevens acknowledged that it had been identified in previous Local Plans, but it had not been carried forward as part of the 2015 Local Plan. She advised that the Committee must apply the tilted balance in their decision making and consider the current five year housing land supply, and whether the proposed development is likely to cause any significant demonstrable damage.

On the matter of ditch maintenance; Mrs Stevens confirmed that officers had seen evidence that the work had been undertaken and that the site could be accessed from the proposed access points. Due to the nature of the site there was a limit to the size of vehicle that could enter the site. Mrs Stevens also confirmed that the future maintenance of the ditches and trees surrounding the site were all the responsibility of the same management company, and would not be the responsibility of any individual home owner.

With regards to the maintenance of the culvert to the south of the site; Mrs Stevens agreed that this could be highlighted through an additional informative. She confirmed that the ditch was already culverted and there were no proposed changes to the network as a result of the application.

In a vote the Committee agreed to the report recommendation to **defer for S106 then permit**

Recommendation; **defer for S106 then permit**; subject to the conditions (with the additional condition regarding road construction) and informatives set out in the report.

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

Officers responded to questions and comments as follows;

With regards to the overall percentage of appeals that related to gypsy and traveller sites; Mr Whitty agreed that this could be included as part of the quarterly Contraventions update.

On the matter of when a decision could be expected for 20/02824/OUT at Westhampnett; Mr Whitty advised that a decision was expected in October.

On the matter of a hearing date for the following three cases; 20/02009/FUL; 20/00380/CONTRV; and 20/00412/OUT; Mrs Stevens advised that they were currently awaiting a date for the hearings and would update outside the meeting.

The Committee agreed to note the item.

126 **South Downs National Park - Schedule of Planning Appeals**

The Committee agreed to note the item.

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

There were no late items.

128 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.47 pm

CHAIRMAN

Date: