



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 2 February 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), 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: Mr G Barrett, Mrs D Johnson and Mr P Wilding

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Ms J Prichard (Senior Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr C Thomas (Senior Planning Officer) and Mr T Day (Environmental Coordinator) and Mrs F Baker (Democratic Services Officer)

172 **Chairman's Announcements**

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

Apologies were received from Cllr Donna Johnson, Cllr Graeme Barrett and Cllr Peter Wilding

173 **Approval of Minutes**

The minutes of the meeting held on 5 January 2022 were agreed as a true and accurate record.

174 **Urgent Items**

There were no urgent items.

175 **Declarations of Interests**

Mr Oakley declared a personal interest in;

- Agenda Item 7 – CH/21/01797/FUL – as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – CC/21/03119/ADV – as a member of West Sussex County Council and Chichester City Council
- Agenda Item 7 – CH/21/01797/FUL – as a member of West Sussex County Council

176 **Water Neutrality Report**

Ms Stevens presented the report to the Committee. She explained the report on Water Neutrality set out a background on what it was, why it was an issue within the Chichester Local Plan area and when it was required. The report also contained links to the Natural England (NE) Position Statement (published on 14 September 2021), the NE FAQ Document and the Sussex North Water Supply Zone Map.

Ms Stevens clarified that the NE Position Statement became a Material Consideration from its date of publication on 14 September 2021, and applied to both applications received since that date, as well as those that were under consideration at that time.

The Committee received a representation from;

Mr Wayne Beglan – Kirdford Parish Council

Officers responded to Members' comment and questions as follows;

With regards to applications that had been decided on but had not yet received permission; Ms Stevens explained that if there had been a resolution to permit an application, but it had not yet been determined then the Position Statement would apply, and permission would not be issued and negotiations regarding water neutrality would be entered. In addition, Ms Stevens confirmed that the Townfield site under consideration would be required to demonstrate water neutrality.

In respect of the Cala site determined in October 2021; Ms Bell informed the Committee that the application was part of another application which had been determined in October 2019; prior to water neutrality being a material consideration. She explained the Section 73 application which had been granted (post 14 September 2021) was an amendment to the original application, officers had considered its impact on water neutrality and considered there would be no further impact on the water usage than already established through the extant permission.

On the matter of deferring the report; Ms Stevens advised the Committee there would be no benefit to deferring the report. It was important that the council provide certainty and clarity regarding its position on Water Neutrality for developers and applicants. She cautioned that if it fails to do this then there may be implications regarding the future of housing land supply. She confirmed that both officers and

Cllr Taylor (the portfolio holder) had been in contact with Kirdford Parish Council and would continue to liaise with them outside the meeting.

With regards to the two-stage screening process, detailed in 4.3 of the report; Mr Day outlined the screening process to the Committee. He explained that at the first stage consideration was given to something known as the 'likely significant effect', as part of the Habitats Regulation Assessment. This assessed whether the proposal would lead to an increase in water consumption and where there was an existing use on site, whether the new application would create any further increase or decrease in the level of water consumption. He stressed that at this stage no mitigating factors can be considered. If after the first stage screening an application was considered to have an increased impact on the water consumption, then it would be progressed to the second stage of the assessment and appropriate mitigation (either onsite or off setting elsewhere) would be considered.

In reference to 4.1 of the report (p.14); Mr Day clarified that definition provided by Natural England in their Position Statement referred to water neutrality with in the 'supply' area being the same after development, therefore offsetting could be achieved anywhere within the same water resource zone and is not restricted to a development site.

Regarding 4.3 of the report (p.14); Mr Day informed the Committee that there was no official definition of 'likely significant effect' within the regulations. He explained that it was for the Planning Authority as a competent authority to decide what a 'significant effect' would likely, considering factors such as Natural England advice and relevant case law.

With regards to Non-Material Amendment applications; Ms Stevens explained that consideration would be given to assess whether there would be any change in the demand for water at the point that it was screened.

With regards to how long the issue of Water Neutrality is likely to be in place; Ms Stevens explained that at present it was unknown, however, work was currently underway to address the situation. An update would be provided when further information was available.

Mr Day informed the Committee that the figure of 110 litres per person per day is secured through the Position Statement from Natural England which requires a water statement budget to be prepared. He explained that he would also expect to see a Part G calculation (which is something required through building regulations) setting out the details of the fittings. He acknowledged that it is impossible to control human behaviour, however, it is possible to manage the fixtures and fittings in a building through Building Regulations.

With regards to comments made by Kirdford Parish Council regarding Judicial Review; Ms Stevens advised the Committee they were being asked to note a Position Statement, they were not being asked to decide a policy. If a Judicial Review should come forward it would be addressed at that time.

Ms Stevens confirmed that the Natural England Position Statement was available on the Council website.

Following a vote, the Committee agreed to make the report recommendation.

Resolved;

That the Planning Committee;

- 1) Note the contents of the Water Neutrality report**
- 2) Approve the date of publication of the Natural England position statement on 14 September 2021 as the date at which water neutrality is a material consideration, and consequently that its requirements are not applied retrospectively in respect of the determination of relevant planning applications, including applications for the revocation, modification or discontinuance or a permission on water neutrality grounds granted prior to that date.**

177 CC/21/03119/ADV - 89-91 East Street Chichester PO19 1HA

Ms Prichard presented the report to the Committee and drew their attention to the Agenda Update sheet which included an update to Section 4.0 of the report.

Ms Prichard highlighted the site location and explained that it was located within the Chichester Conservation Area and showed pictures of the current unit.

Ms Prichard showed the Committee a picture of the proposed lighting and location of the illuminated menu board. She drew attention to the external side elevation and highlighted how the external lighting would be hidden under the proposed awnings. She confirmed that the external lighting would only be used during hours of darkness.

The Committee received the following representation;

Ms Charlotte Baker – Applicant

The Committee asked no questions.

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.

178 CC/22/00020/NMA - St James Industrial Estate, Westhampnett Road, Chichester, West Sussex, PO19 7JU

Ms Thatcher presented the report to the Committee. She drew attention to the Agenda Update sheet which set out; an amendment to the proposal; an additional comment from WSCC Highways and eight additional objections.

Ms Thatcher detailed the location site and confirmed that it was within the Chichester settlement boundary. In January 2022 Planning permission had been granted to redevelop the site, and Ms Thatcher informed the Committee that following a recent site visit she could confirm demolition and ground works had commenced.

Ms Thatcher explained that the application sought Non-Material Amendments (NMA) to the planning permission granted in January 2022. She provided a summary of the proposed amendments;

- The removal of brick plinths from blocks 1, 2, 3, 4 & 5, to be replaced with vertical cladding which would continue to the ground.
- The removal of the entrance canopies from all blocks.
- The removal of the brick piers from the western side of the North boundary wall.

Ms Thatcher confirmed it was officer opinion that all the proposed amendments were minor and could be considered as Non-Material

The Committee received the following representations;

Mrs Abigail Blumzon – Objector (statement read by Lynne Friel)
Mr Alan Mee - Objector

Officers responded to Members' comments and questions as follows;

With regards to the design merits and the sustainability merits of the proposals; Ms Thatcher informed the Committee as the application was a Non-Material Amendment application, planning merits (or any other merits such as design and sustainability) cannot be considered. She advised the Committee that they were being asked to consider whether the proposals could be considered as non-material and drew their attention to section 7 of the report which set out the relevant Planning Policy.

On the issue of the northern boundary wall; Ms Thatcher explained that the works to the northern boundary wall had already been approved as part of the earlier planning application. She reminded the Committee that with regard to the western part of the northern boundary wall the proposal was only for the removal of the brick piers, which was considered a non-material amendment.

Ms Thatcher confirmed that should the Planning Committee decide the proposed amendments were not non-material then the Council would have to come back to Committee with a further Section 73 application

With regards to any potential lighting provided in the pedestrian canopies; Ms Thatcher informed the Committee that any lighting provision would have been included as part of the lighting condition which had not yet been discharged. However, she did not think there had been any lighting proposed with the canopies.

In response to the Committee's concerns that the proposed amendments to the northern wall were greater than what could be classified as a non-material amendment; Ms Stevens acknowledged the importance of considering each of the individual amendments proposed in turn, however, she advised the Committee that the application they were being asked to consider was whether there would be any material change to the permitted scheme. The permitted scheme was an industrial site of over 4000 sqm and Ms Stevens confirmed that in officer opinion the proposed amendments would cause no material change.

With regards to the change in cladding direction from horizontal to vertical cladding; Ms Thatcher explained that the previous applications were subject to conditions which required details of samples of materials to be submitted, the change in the direction of cladding had been dealt with under the discharge of said conditions.

On the matter of proposed planting by the northern boundary wall; Ms Thatcher explained that this would be considered as part of the landscaping condition which had yet to be discharged. She confirmed that all trees on site, apart from a diseased Cherry tree, would remain.

Ms Stevens acknowledged the concerns raised by the Committee and advised that the report recommendation could be changed to 'Delegate to Officers' to allow for further negotiations to take place regarding landscaping.

Following the discussion Cllr Oakley proposed the decision be 'Delegated to Officers' for consultation with ward members, noting that Members could red card the application if required.

The proposal was seconded by Cllr Briscoe.

In a vote the Committee agreed to support Cllr Oakley's recommendation to **'Delegate to Officers'**.

Recommendation; **Delegate to Officers**, for the reasons set out above.

179 **CH/21/01797/FUL - Green Acre Main Road Chidham PO18 8TP**

Mr Thomas presented the report to the Committee. He drew their attention to the Agenda Update which included an additional representation from the Parish Council and an additional third-party objection.

Mr Thomas highlighted the application site and informed the Committee that the site was located within the Parish of Chidham and Hambrook and the Chichester Harbour AONB.

Mr Thomas highlighted the length on the gardens that fronted the main road and explained that they were approximately 30m in length. He showed the Committee the proposed elevations and designs of the two dwellings. The existing estate fencing would be extended along the eastern, and a new hedge would be planted.

The application had been submitted with a nitrate neutrality report and had identified a surplus of 0.8kg of nitrate per year to be mitigated for nitrate neutrality to be achieved. Mr Thomas highlighted the proposed area of land (a total of 0.03ha) to be used for the nitrate mitigation and confirmed that the land did fall within the Chichester Harbour catchment area.

The Committee received the following representations;

Ms Kerry Simmons – Agent

Officers responded to Members' comments and questions as follows;

On the matter of the proposed nitrate mitigation; Ms Stevens explained that advice was provided by Natural England who had reviewed the proposed mitigation and confirmed that it was suitable, and the assessments undertaken were acceptable. She explained should there be any issue with the mitigation the S106 would ensure suitable mitigation is agreed before permission is granted.

On the matter of the Strategic Wildlife Corridors; Ms Bell drew the Committee's attention to pages 37 and 38 of the report which set out the comments from the Environmental Strategy team. She confirmed that consideration had been given to the impact on the wildlife corridor, with particular consideration being given to the impact on bats and lighting and conditions had been included to ensure ecological enhancements.

With regards to whether the site could be considered a windfall site; Ms Bell explained that officers considered the application to be a new application and not attached to the previous Green Acre development. The land was previously developed land which meant it could be redeveloped in principle. Overall, there would be a net increase of one dwelling.

Ms Bell explained to the Committee why the application was supported by the Neighbourhood Plan Policy.

With regards to the difference between the first-floor heights of the existing dwelling and the proposed dwelling; Mr Thomas confirmed that the proposed heights were broadly in line with the existing heights. In addition, Ms Stevens outlined the proposed window layout and the developments relationship with neighbouring properties.

On the matter of how much land should be set aside to achieve nitrate neutrality; Ms Stevens explained that nitrate mitigation could be achieved in several ways, taking land out of agriculture was just one way.

On the matter of how CDC safeguards the land used for nitrate mitigation; Ms Golding explained that the S106 agreement would be signed by all interested parties, including the owner of the land being used for the nitrate mitigation.

With regards to the sustainability of the development; Ms Bell drew the Committee's attention to condition 5 of the report (p.50) and explained no development would

commence above slab level until the sustainability statement had been signed off by the Council.

In a vote the Committee agreed to the report recommendation to **defer for Section 106 then permit**.

Recommendation; **defer for Section 106 then permit**, subject to the conditions and informatives set out in the report.

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

The Chairman drew the Committee's attention to the Agenda Update sheet.

With regards to the proportion of appeals relating to gypsy and traveller applications and matters; Ms Stevens was unaware of the proportion and would review this outside the Committee.

On the matter of the Land within the Westhampnett/North East Chichester Strategic Development Location; Ms Stevens would liaise with Ms Bell and confirm outside the meeting whether the appeal was heard after the Council had announced the current 5YHLS statement

With regards to how the Council would be represented at the Public inquiry for the field south of Raughmere Drive; Ms Stevens explained that a Barrister, along with the case officer and other specialists will be representing the Council.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

182 **Schedule of Contraventions**

Mrs Archer presented the Schedule of Contraventions to the Committee. She highlighted the number of 'on hand' cases had dropped since the last meeting from 435 to 407. Included within that number are 125 cases that are awaiting input outside the Council's control.

She informed the Committee of two updates. The Council had withdrawn from prosecution on the case at Medmerry View, Drove Lane as compliance had been reached and; a further stop notice had been issued to land at Newells Lane.

Officers responded to Members' questions and comments as follows;

With regards to an update on the Cutmill Depot, Newels Lane; Mrs Archer would liaise with officers outside the meeting and feedback.

On the matter of compliance dates Mrs Archer explained that whilst these were written down, they were often not adhered to and further interaction from the enforcement team was required.

With regards to land at Hunston; Mrs Archer confirmed that the authority had written to the Inspectorate to make them aware of the issue. She explained that a stop notice was not issued at the time, but she would seek an opinion from the litigation lawyer.

The Committee agreed to note the item.

**Cllr McAra left the meeting at 12.58pm*

183 Consideration of any late items as follows:

There were no late items.

184 Exclusion of the Press and Public

There were no part two items.

The meeting ended at 1.03 pm

CHAIRMAN

Date: