

# Public Document Pack



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 2 March 2022 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, Mrs D Johnson, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

**Members not present:** Mr G McAra

**In attendance by invitation:**

**Officers present:** Miss J Bell (Development Manager (Majors and Business)), Mr S Harris (Principal Planning Officer), Mr M Mew (Principal Planning Officer), Mr J Saunders (Development Manager (National Park)) and Mrs F Stevens (Divisional Manger for Planning)

## 185 **Chairman's Announcements**

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

Apologies were received from Cllr Gordon McAra and Ms Nicola Golding.

## 186 **Approval of Minutes**

The minutes of the meeting held on 2 February 2022 were agreed as true and accurate record.

## 187 **Urgent Items**

There were no urgent items.

## 188 **Declarations of Interests**

Mr Barrett declared a personal interest in

- Agenda item 7 – CH/20/01854/OUT – as the External Appointment to Chichester Harbour Conservancy
- Agenda item 8 – BI/20/00185/FUL – as the External Appointment to Chichester Harbour Conservancy

Mr Briscoe declared a personal interest in

- Agenda item 6 – CC/21/03166/ADV - as the Cabinet Member for Community Services and Culture, which includes the Novium Museum.

Mrs Johnson declared a personal interest in

- Agenda item 5 – CC/21/00460/REM - as a member of West Sussex County Council
- Agenda item 7 – CH/20/01854/OUT – as a member of West Sussex County Council
- Agenda item 8 – BI/20/00185/FUL – as a member of West Sussex County Council

Mr Oakley declared a personal interest in

- Agenda item 5 – CC/21/00460/REM - as a member of West Sussex County Council
- Agenda item 7 – CH/20/01854/OUT – as a member of West Sussex County Council
- Agenda item 8 – BI/20/00185/FUL – as a member of West Sussex County Council

Mr Potter declared a personal interest in

- Agenda item 9 – SDNP/21/03746/HOUS – as the External Appointment to the South Downs National Park.

Mrs Sharp declared a personal interest in

- Agenda item 5 – CC/21/00460/REM - as a member of West Sussex County Council and Chichester City Council
- Agenda item 7 – CH/20/01854/OUT – as a member of West Sussex County Council
- Agenda item 8 – BI/20/00185/FUL – as a member of West Sussex County Council

189 **CC/21/00460/REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH**

Mr Harris presented the report to the Committee. He explained that the application sought approval for the final reserved matters for phase one of the Chichester Strategic Development site in respect of the Local Centre's employment, retail, healthcare and play provision.

Mr Harris outlined the Local Centre and identified the land that formed part of the application and showed how the spine road passed through the centre. He highlighted an area of land that formed part of the application and provided a footpath link from the local centre to the 'western green link'.

Mr Harris explained that the Outline permission already granted had established certain criteria that were relevant to the Local Centre, including building uses, the floorspace and the maximum height of development.

Mr Harris identified each building and outlined what was being proposed on each part of the site along with the associated parking provision.

He explained that eight two-bedroomed apartments would be formed above the retail space. He informed the Committee that the developers were currently in negotiations with a national convenience store operator who was looking to operate the whole retail unit, however, he explained that the layout had been designed in such a way that it could be broken down into smaller units if required at later date.

He confirmed that there was cycle parking provision and explained that all buildings offered pedestrian access directly onto the footway, this had been designed to ensure that all buildings had some presence along the street.

With regards to the employment site Mr Harris explained how the design and massing had been managed and informed the Committee that massing had been reduced through the use of dormers which would assist in creating a more appropriate transition to the domestic dwellings fronting the spine road on the adjacent parcels.

Whilst the developer had included a proposed building for the healthcare facility, Mr Harris explained that no occupier had yet been found to take on the building. It was also clarified that the developer was only required to safeguard the land.

Mr Harris informed the Committee that the YMCA had been identified as the operator for the Community Building. Following the appointment there had been a redesign to the building including its enlargement to incorporate a children's day nursery. Other facilities that would be offered in the Community building include a cafe facility, a kitchen, toilets, changing facilities, youth rooms, staff rooms and a ground floor hall which could seat around 250 people.

Mr Harris highlighted that the Committee were not being asked to approve the YMCA as the operator; he explained that this would be dealt with at a later stage as part of the approvals required under the terms of the S106 agreement.

The play provision included a MUGA and a play area which would be suitably equipped for younger age groups. Mr Harris informed the Committee that the developer's management company would be responsible for the future maintenance of the play provision.

On the matter of highways, Mr Harris confirmed that it was the developer's intention for both the spine road and secondary road to be adopted by the local highway authority, and they had been designed accordingly with indicative traffic calming measures included.

Mr Harris highlighted where temporary bus turning would be provided. He explained that these arrangements would be required up until the completion of the southern access road which formed part of the phase 2 development.

Mr Harris highlighted the solar panels that would be provided as part of the development. In addition, air source heat pumps would be installed in each building. He explained that a 60% improvement in terms of CO<sub>2</sub> emissions relative to the

requirements of the building regulations had been achieved through negotiations with the developer.

The Committee received the following representations;

Mr Nick Billington – Agent

Cllr Clare Apel – CDC Ward Member (whilst Clare Apel was registered to speak as a ward member she spoke in her capacity as a Chichester City Councillor)

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

Mrs Purnell used her discretion as Chairman to allow Mr Harris to answer a question posed by Cllr Apel in her representation. Mr Harris acknowledged the comments made, he explained that the buildings would be no more than three storeys in height but were required to be of a substantial nature as had been granted through the outline permission. He confirmed changes had been incorporated throughout the development of the application with substantial input from the Council's design officers being included, the City Council had been consulted on the most recent plans and no additional comments had been submitted.

On the matter of amending Condition 18 to extend the use class for the office building; Mr Harris informed the Committee that the office space being considered as part of the application could not be amended as its use and classification had already been established through the Outline permission, therefore, any amendment to the REM application would conflict with the Outline permission. He explained that as part of the S106 Employment Scheme agreement developers were required to market the floor space and this would test the strategic need to provide the offices detailed in the application.

With regards to amending Condition 17 to extend the use to include facilities such as a take-away food store or hairdressers; Mr Harris explained that the retail use class E(a) had been established through the Outline planning permission, as well as the S106 retail scheme which required the premises to be marketed as retail. In the officers' opinion a retail/convenience store would be of significant benefit for the development, and it was encouraging that the developer was in the final negotiation stages in order to secure this. However, Mr Harris informed the Committee that should there be need to change the retail use in the future a new planning application could be submitted to vary the condition for all or part of the retail space. As a point of note Mr Harris explained that any food outlet would need to overcome the issue of fume extraction which can be problematic when flats are located above.

In response to concern regarding the flat roofs proposed on the larger buildings; Mr Harris informed the Committee that the buildings would be subject to Building Regulations which would consider the technical details such as the slope of roof necessary to ensure satisfactory drainage (he reminded the Committee that this was not a planning matter). However, it was his understanding that the roofs would indeed incorporate a gentle slope.

On the matter of the future management of the health/community facilities' car park; Mr Harris informed the Committee there had been no discussion or mention from the

management company about charging for the use of the car park. He drew the Committees attention to Condition 12 and explained how the condition would allow the opportunity for the authority to monitor and review how the car parking arrangements were being managed. The car parks were private, and it would be unlikely that they would be managed by either CDC or WSCC. In addition, Mr Shaw explained that as it was the intention to adopt the adjoining roads, any on-street parking arrangements would be within the control of WSCC, and parking restrictions would be enforced by CDC.

In response to concerns regarding the urban design of the development; Mr Broadway provided a brief overview of the design principles that had been considered and applied when developing the local centre and were the reason for why the buildings were designed in the way presented. He informed the Committee that following comments from the City Council there had been some amendments to the elevations to improve the 'push and pull' of the buildings.

In response to comments made by WSCC Highway regarding additional access points; Mr Shaw explained that the additional access points to the retail and employment centre were not included in the first REM submission, however they were now included and had been designed in a similar style to other roads within the development.

With regards to the provision of additional pedestrian crossing facilities: Mr Shaw informed the Committee that additional crossing points had been secured on the secondary road.

On the matter of land secured for the healthcare provision; Mr Harris acknowledged comments made regarding the provision of a healthcare facility. He explained that the land would be safeguarded for a period of time (until the occupation of the 500<sup>th</sup> dwelling) and as part of the S106 agreement the developer was required to proactively market the site and had appointed a specialist consultant to assist in the process. Although the wish of a number of members for a GP practice to be established at the site, Mr Harris clarified that the S106 agreement did allow for the facility to be used for a number of other health-related uses including; physiotherapy, a Dental Practice, or a pharmacy. He assured the Committee that officers would be scrutinising the marketing of the site. With regards to what would happen to the site until it was developed, Mr Harris suggested a Condition be added to ensure that appropriate landscaping is maintained during the interim period.

On the issue of the future maintenance of the flats and retail space; Mr Harris reminded the Committee that this was not a planning matter.

With regards to the operating hours of the convenience store; Mr Harris confirmed that the operating hours would be controlled through condition, it would be expected that delivery times would also be included. Mr Harris drew attention to Condition 10 of the report which required the submission of a noise mitigation scheme to safeguard local amenities. At this stage Mr Harris was unable to say where any specific plant would be located.

On the matter of the size of vehicles which could access the car park; Mr Harris informed the Committee that the Local Centre had been tracked to ensure a fire engine could access the site, therefore was confident a large delivery vehicle would have enough room to access the site.

With regards to the car parking provision within the local centre; Mr Harris confirmed that the retail and employment car parking provision was not included within the condition included within the report. He explained the rationale the condition was being applied to only the community and healthcare parking provisions.

With regards to the outdoor nursery provision; Mr Harris confirmed that the nursery had a 400sqm secure outdoor area.

With regards to the LEAP; Mr Harris confirmed that the LEAP would be fenced (he believed it would be metal). In addition, there was a S106 requirement for the developers to submit a play provision scheme before development.

With regards to the MUGA; Mr Harris confirmed that at this stage it was not intended for the MUGA to be lit, however, this would be addressed as part of the play provision scheme. He assured members that consideration had been given to the location of the MUGA in relation to phase 2 development and confirmed that an appropriate separation distance was provided.

On the matter of the Western Link footpath; Mr Harris informed the Committee that the link was established as part of the Outline permission and confirmed that it was only a footpath and was not intended for use by cyclists.

With regards to the appearance of the office buildings; Mr Harris acknowledge comments made by the Committee and explained how there would be a number of different design techniques used in the construction of the office buildings including various areas of textured and recessed brickwork. He drew the Committee's attention to Condition 3 of the report which prevented any development from commencing until the detailed technical drawings had been approved by the Local Authority.

On the matter of potential noise disruption from deliveries at the retail unit; Mr Harris confirmed that officers would be happy to extend Condition 10 so that it made specific reference to the hours of delivery operations.

With regards to the type of business that can use the office buildings; Mr Harris explained that the use of the office buildings had been determined through the Outline permission, therefore the developers were constrained as to what type business could operate from them. He informed the Committee that as part of the S106 agreement the developers were required to market the site.

With regards to the market value of the land for the healthcare facility; Mr Harris confirmed the site would be advertised at the market value appropriate to the approved use on the site.

On the matter on installing more solar panels; Mr Harris acknowledged the potential to install further panels, however, he explained that the developer had already significantly improved their CO<sub>2</sub> reduction.

With regards to the EV charging points; Mr Harris explained the detail of the EV charging points had been dealt with under the first REM application which required the developer to submit details of the proposed charging points. He would inform the developer of the WSCC scheme regarding EV charging points.

With regards to trike parking; Mr Harris told the Committee that whilst there was no dedicated trike parking, trikes would be accommodated on the outer stands of the cycle storage provision. As a point of note he informed the Committee that the number of cycle parking spaces had increased from 40 to 72.

On the issue of a 'share and care' scheme being promoted on the circular footpath; Mr Harris would inform the developer of the scheme; however, he reminded the Committee that the footway was a privately owned path.

On the matter of hedging and planting; Mr Harris assured the Committee that there was an extensive network of hedging which had been incorporated into the development where appropriate and in consultation with the Council's Environmental Strategy team.

With regards to the speed limit on the spine road; Mr Shaw informed the Committee the design of the spine road had already been approved through an earlier REM application. He explained that conditions had been secured requiring the developer to submit further details in respect of crossing facilities and surface treatments. In addition, there were specific highway treatments proposed for the local centre to slow vehicles down and ensure the appropriate location of crossing facilities. Mr Shaw confirmed that the developer had proposed a 30mph limit for the spine road.

On the issue of the green space available to the Community Building; Mr Harris explained that the Community Building would not have its own green space for events, but it would have good links to the adjacent open space which incorporated the proposed play area.

With regards to the location of the fire escape in the residential units above the retail unit; Mr Harris informed the Committee the internal stairwell located within the building would be the means of exit, there was no requirement for an external stairwell.

On the issue of the land reserved for the healthcare site not becoming occupied; Mr Harris explained if no occupier was found then it would mean there would be a piece of land with a 'Nil use'. If this were to happen then it would be open to the developer would be required to submit a new proposal.

On the matter of the retail unit and delivery vehicles; Mr Harris explained the retail unit had been designed to accommodate the single operator, but it did have the flexibility to be broken down into smaller units if required at a future date. In addition, the car park had been appropriately designed to accommodate the type of vehicle

associated with that unit, Mr Shaw confirmed WSCC are comfortable the car park can accommodate the necessary vehicles.

Mr Oakley proposed that Condition 6 be extended to include both the retail and employment car parks in the management and periodic review. Mrs Sharp seconded the proposal. Following a vote, the proposal was rejected and not carried. *\*The detail of the vote was raised outside the meeting. The issue was considered by the Monitoring Officer who confirmed the vote and decision as lawful.*

In a vote the Committee agreed to support the report recommendation to **Permit** subject to the conditions and informatives set out in the report, plus the agreed amendment to Condition 10 to request the occupier to submit details regarding the proposed hours of delivery and; the additional Condition for the interim management of the healthcare site.

Recommendation; **Permit** subject to the conditions and informatives set out in the report, plus the agreed amendment to Condition 10 to request the occupier to submit details regarding the proposed hours of delivery and; the additional Condition for the interim management of the healthcare site.

*\*Mr Oakley left the meeting at 11.38am*

*\*Members took a ten-minute break*

190 **CC/21/03166/ADV - The Novium Museum & TIC, 1 Tower Street, Chichester, PO19 1QH**

Mr Mew presented the report to the Committee and drew their attention to the Agenda Update Sheet which set out an addendum to the report and some additional comments.

Mr Mew highlighted the site location. He explained that the proposal was for three banner advertisements to be installed on the front of The Novium Museum and showed the Committee an image of what the proposed banners would like once installed.

He explained that the banners would be located 3.75m above the carriageway.

There were no representations.

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

Mr Mew confirmed that the conditions attached to the application were standard advertising conditions. Condition D requires that advertisements are maintained so that they do not endanger the public and Condition E requires that advertisements are maintained so that they do not endanger the public or impair visibility.

In a vote the Committee agreed to support the report recommendation to **permit** subject to the conditions and informatives set out in the report.



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

*\*Members took a five-minute break*

191 **CH20/01854/OUT - Chas Wood Nurseries, Main Road, Bosham, PO18 8PN**

Ms Bell presented the report to the Committee and drew their attention to the Agenda Update sheet which included; further third-party objections; additional information regarding the S106 provision for affordable housing; and an addendum to conditions 10 and 11 within the report.

Ms Bell highlighted the site location and showed how the site was accessed from the A259. She explained that the access was shared with neighbouring properties including Far Close and Oaklands. She informed the Committee that the site lies within floodzone 1, with the Chichester Harbour AONB lying just south of the site on the opposite side of the road.

Ms Bell explained that the application was an Outline application for 26 dwellings, of which eight (31%) would be affordable and the Committee were being asked to consider the access and principle of development. All other matters including appearance, landscaping and layout would be considered as part of a future Reserve Matters Application.

The proposed housing mix is to provide 18 market homes and eight affordable homes, of which six would be social rented and two would be first homes. The density of development would be approximately 20 homes per hectare.

Ms Bell showed the Committee an illustrative layout of how a development may be presented on the site. She highlighted the drainage ditches and confirmed that drainage officer had considered the proposals and was content that adequate provision had been made for future maintenance.

Ms Bell drew the Committee's attention to the site's location in proximity to the proposed Strategic Wildlife Corridor. Following discussion with the Environmental Strategy Officer there have been a number of amendments including the inclusion of a community orchard and; the realignment and repositioning of dwellings to limit the impact from lighting on biodiversity within the corridor.

Ms Bell informed the Committee that the applicant had confirmed the ownership of the site and the site outline shown in the presentation was correct.

Ms Bell showed the Committee some photos of the access arrangements for the site and detailed the visibility splays.

The Committee received the following representations;

Mr Stephen Johnson – Chidham & Hambrook Parish Council  
Mrs Jane Towers – Objector  
Mr Chris Lyons – Agent

Cllr Adrian Moss – CDC Ward Member

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

With regards to the increase in the number of dwellings on the site; Ms Bell explained that the proposal being considered demonstrated a more efficient use of land with 20 units per hectare, along with a provision of affordable housing. The number of dwellings being proposed was part of the decision the Committee were being asked to consider and had been thoroughly scrutinised by officer to ensure that the proposed number could be accommodated on site.

On the matter of nitrate mitigation; Ms Bell confirmed the proposed nitrate mitigation had been amended and updated to reflect the current proposal. In addition, Ms Bell confirmed that all mitigation proposals for all documents including; the recreational disturbance contribution and the National Highways contribution had been updated and consulted on to reflect the proposed number of dwellings.

With regards to the Five-Year Housing Land Supply (5YHLS); Ms Bell confirmed that there was a current 5YHLS.

On the matter of what had changed since the Appeal on the same site; Ms Bell explained that an application for 10 units had been submitted in 2018, the application had gone to Appeal and was dismissed. At appeal the Planning Inspector had ruled that the site could not be classed as windfall as horticultural land could not be classed as previously developed land and therefore did not meet the criteria. Ms Bell highlighted that the policy situation was very different when the appeal was considered, the application that the Committee were being asked to consider had been reviewed by officers against the IPS, and in officer opinion the site was within an enclave of development and was suitably located between two service villages. In addition, Ms Bell informed the Committee that the Inspector had found no issue with the landscape character or access to the site.

On the issue of access arrangements; Ms Bell showed the Committee an illustrative layout of the proposed access arrangements. She explained that proposed provision showed that the road would be 5.5m in width at its widest point and 4.8m in width at its narrowest, there would also be a minimum width of 1.5m for the footway. Ms Bell confirmed that WSCC had reviewed the application and were content with the proposal. She reminded the Committee that details such as raised tables and tactile paving would be decided as part of a future REM application.

With regards to how the application would affect the future 5YHLS; Ms Bell explained that if permitted the proposed 26 houses would certainly contribute to the overall housing land supply.

With regards to the impact on the AONB; Ms Stevens reminded the Committee that the Chichester Harbour Conservancy had not objected to the application.

Rev. Bowden proposed that the recommendation be deferred for a site visit, Mrs Sharp seconded the proposal.

In a vote the Committee did not support the proposal for a site visit, therefore the recommendation was not carried.

Mr Briscoe proposed that the Committee **refuse** the application, against officer recommendation for the following reasons;

The proposal, by reason of its unsustainable location would result in the reliance on a private motor vehicle to access local services and facilities; and cause adverse impact upon the amenity of the surrounding area. Securing the necessary infrastructure and required mitigation for nitrates and recreational disturbance cannot be guaranteed due to the lack of a S106 agreement.

Mr Potter seconded the proposal.

In a vote the Committee agreed to support the proposal to **refuse** the recommendation, for the reasons set out above.

Recommendation; **refuse, against officer recommendation;** for the reasons set out above.

*\* Judy Fowler left the meeting at 12.46pm*

*\*Members took a ten-minute break*

192 **BI/20/00185/FUL - Birdham Service Station, Main Road, Birdham, PO20 7HU**

Mr Mew presented the report to the Committee and drew their attention to the agenda update sheet which included two addendums to the report. He also provided a verbal update and explained that an additional condition was being proposed to restrict the hours of delivery to not before 7am and not after 10pm unless otherwise agreed in writing.

Mr Mew highlighted the application and explained that it was an already established service station located within the Birdham settlement boundary and the Chichester Harbour AONB.

Mr Mew presented the proposed works and detailed how the new proposals would differ from the current provision. The car wash and jet wash that were available for use would be removed from the site and not replaced. He informed the Committee that there would be two new rapid electric vehicle charge points provided as part of the development

Mr Mew showed the proposed elevations of the new development in comparison with the existing development and highlighted its relationship with neighbouring properties.

Mr Mew confirmed that Environmental Protection had reviewed the noise assessment submitted as part of the application and were satisfied, subject to the mitigation measures included within the proposed conditions, that there would be no additional impact from the development.

The following representations were received;

Ms Elizabeth Hamilton – Birdham Parish Council  
Ms Jackie Ford – On applicant's behalf

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

On the matter of the EPV charging points; Mrs Purnell used her discretion and allowed the agent to answer, they confirmed that the charging points would be compatible with all vehicles.

On the matter of solar panels being provided as part of the development; Mr Mew informed the Committee that solar panels were not included as part of the proposal. He explained that should the applicant wish to install solar panels at a later date a separate application would need to be submitted due to the site being located within the AONB. Mrs Purnell used her discretion and invited the agent to comment on subject.

Officer's confirmed that an additional informative could be included to make the developer aware of the Committee's wish to see further climate change measures incorporated in any future development or improvement (subject to necessary permissions)

In a vote the Committee agreed to support the report recommendation to **permit**; subject to the conditions and informatives set out in the report, and the additional informative on climate change measures.

Recommendation; **permit**; subject to the conditions and informatives set out in the report and the additional informative on climate change measures.

*\*members took a ten minute break.*

193 **SDNP/21/03746/HOUS - 48 Lavant Down Road, Mid Lavant, Chichester, PO18 0DJ**

Mr Saunders presented the report to the Committee and drew their attention to the Agenda Update Sheet which set out an additional condition for a bat box on the house.

He highlighted the site location and explained that the property was a pair of three bedroomed semi-detached houses and that permission was being sought for a two-storey extension. Both properties already have a single storey extension in place.

Mr Saunders detailed the proposed plans and explained that proposal did extend a further 1.1m back from the current single storey extension and not 1.9m as stated in the report. He outlined the proposed elevations of the proposal.

He informed the Committee that the application had been amended to make it more subservient to its location.

There were no representations.

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

In response to a question regarding the requirement for an ecosystem services statement; Mr Saunders explained that officers will look for a range of measures to be included within the statement including bird and bat boxes, as well as provision for hedgehogs in the garden. He confirmed that the applicant was required to submit a ecosystems statement which would include a number of further enhancements such as water recycling and water butts and drew their attention to the Condition 6 of the report which ensured measures detailed in the statement would be delivered.

In a vote the Committee agreed to support the report recommendation to **approve** subject to set out in the report.

Recommendation; **approve** subject to set out in the report.

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

Ms Stevens drew the Committee's attention to page 153 and highlighted that the decision made in respect of Land off Broad Road, Hambrook. She also drew attention to the Agenda Update Sheet which included an update on High Court Hearings in respect of the site; Land at Flat Farm, Broad Road, Hambrook, West Sussex, PO18 8FT

In response to a question regarding the appeal for Land South of Clappers Lane; Ms Stevens confirmed that the authority had instructed their Barrister to defend the decision.

The Committee agreed to note the item.

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

Ms Stevens drew the Committee's attention to the Agenda Update Sheet which included an amended appeal decision for SDNP/20/04081/FUL.

The Committee agreed to note the item.

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

There were no late items.

197 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.28 pm

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CHAIRMAN

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Date: