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Minutes of the meeting of the **Planning Committee** held in Committee Room 1, East Pallant House on Monday 21 March 2022 at 10.30 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 Mr P Wilding

**Members not present:** Mrs D Johnson and Mrs S Sharp

**In attendance by invitation:**

**Officers present:** Mr O Broadway (Principal Conservation and Design Officer), Miss N Golding (Principal Solicitor), Mrs F Stevens (Divisional Manger for Planning), Young (Development Manager (Applications)) and Mr C Thomas (Senior Planning Officer)

## 198 **Chairman's Announcements**

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

Apologies were received from Cllr Donna Johnson and Cllr Sarah Sharp.

## 199 **Urgent Items**

There were no urgent items.

## 200 **Declarations of Interests**

Mr Oakley declared a personal interest in

- Agenda item 4 – CC/21/00382/FUL – As a member of West Sussex County Council
- Agenda item 5 – CC/22/00033/FUL – As a member of West Sussex County Council
- Agenda item 6 – TG/21/03561/FUL – As a member of Tangmere Parish Council

## 201 **CC/21/00382/FUL - Bartholomews Holdings, Bognor Road, Chichester, West Sussex, PO19 7TT**

Mr Thomas presented the report to Committee. He drew their attention to the Agenda Update sheet which included an Addendum to the recommendation; Mr

Thomas explained that the proposed recommendation was to Delegate to officers. The update sheet also included an Addendum to the report and an assessment outlining the reason for the change to the recommendation.

Mr Thomas informed the Committee the application sought permission for the demolition of the old office block and the construction of nine new dwellings. He highlighted the proposed site layout, the different style of housing units and the vehicle access.

The Committee received the following representations;

Cllr Polly Gaskin – Chichester City Council  
Miss Phillippa Gatehouse – Agent

Officers responded to Members' comments and questions as follows;

Mr Thomas confirmed that access from the Bognor Road would be closed and acknowledged that there was the potential for further hedging.

On the issue of affordable housing; Mr Thomas explained that the site formed part of the larger strategic Bellway development which was being delivered in three phases. Although no affordable homes were provided as part of the application being considered Mr Thomas confirmed that 31% of the completed development would be affordable housing.

With regards to the provision of a pedestrian refuge; Mr Thomas informed the Committee that the Highway Consultant had not given any reason as to why a pedestrian refuge was not required. He highlighted the proposed crossing points which would include tactile paving. In addition, Ms Stevens reminded the Committee that WSCC Highways had raised no objection to the proposal.

On the matter of Nitrate Mitigation; Ms Stevens explained that the original recommendation (as set out in the report) was proposed to secure the appropriate nitrate mitigation, which she believed was on agricultural land classification 3. However, since writing the Committee report Natural England had released new updated guidance which required further consideration by officers and was the reason the report recommendation had been changed to 'Delegate to Officers'.

On the matter of community facilities; Ms Stevens explained that CIL and financial contributions for the provision of community facilities had been collected through earlier phases of the development.

In response to concerns regarding the loss of employment land; Mrs Purnell reminded the Committee that the developer had originally marketed the site as an office suite but there had been no interest.

With regards to the foul drainage on site; Ms Stevens confirmed that the foul water from the site would go to Apuldram. She explained Southern Water had raised no objection. The adopted position statement requires development of 10 or more dwellings to demonstrate that there was no net increase from the development. As a

point of note, Ms Stevens reminded the Committee that the site already had a certain level of use attached to it from its previous use.

On the matter of requiring a S106 contribution for a pedestrian refuge; Ms Stevens informed the Committee that a TAD contribution had been collected as part of an earlier phasing of the development. Whilst a S106 could be used to secure a pedestrian refuge it could not just be added without consulting WSCC in their role as the highway authority. She advised the Committee that if their desire was for a pedestrian refuge to be included the application should be deferred and brought back to Committee to allow for further negotiations with the developer and WSCC.

With regards to Plot 7: Mr Thomas acknowledged the comments made regarding the proposed elevation and would negotiate with the developer to provide more appropriate detailing. Mrs Purnell used her discretion as Chairman and invited the agent to comment on the matter. The agent explained the elevation on plot 7 did have window detailing and should not have been presented as a blank elevation.

Following the discussion Rev. Bowden proposed the application be deferred for further information be provided for the following reasons;

- The proposed nitrate neutrality measure
- The provision of a pedestrian refuse
- The integration of bird and bat houses within the dwelling houses
- Further detailing to be provided for plot 7
- The inclusion of a photographic record of the site before demolition for historical records

Mr Oakley seconded the proposal.

In a vote the Committee agreed to endorse the amended recommendation to **defer for further information**, for the reasons set out above.

Recommendation; **defer for further information**, for the reasons set out above.

*\*members took a ten minute break*

## 202 **CC/22/00033/FUL - 10 Lavant Road, Chichester, West Sussex, PO19 5RQ**

Mr Thomas presented the report to Committee. He drew their attention to the Agenda Update sheet which included an Addendum to the report and an Addendum to the Decided Plans table.

Mr Thomas outlined the site location and explained the application sought permission to vary the approved plans granted as part of the permission for CC/20/03342/FUL. The variation would include the introduction of two roof lanterns which would replace the four rooflights previously approved.

Mr Thomas showed the Committee the proposed elevations and the revised locations of where the roof lanterns would be installed. He confirmed that the lanterns would not be visible from the front of the building.

The Committee received the following representations;

Mr John Ellis – Objector

Mr Keith Bartlett – Objector (Statement read out by Mrs Fiona Baker)

Mrs Kerry Simmons – Agent

Officers responded to Members' comments and questions as follows;

In response to a question regarding the appearance of the lanterns; Mr Thomas confirmed that in officer opinion the lanterns would not have a detrimental impact upon the character of the area.

With regards to Condition 2; Mr Thomas informed the Committee that the condition had been pulled through from the original application, he confirmed that officers believed it was still applicable and could be enforced if required. Mr Thomas clarified that Condition 2 addressed the issue of external light only, a separate condition could be added to address the issue of potential light pollution from internal lighting and the provision of roof blinds. Ms Stevens confirmed that officers would be accept the additional condition which could also include the requirement for blinds to be shut from dusk till dawn.

On the matter of an additional restrictive use condition; Mr Thomas confirmed that a condition could be included to restrict the mezzanine floor to living accommodation only.

In a vote the Committee agreed to endorse the report recommendation to **permit with S106**, including the additional conditions as agreed.

Recommendation; **permit with S106**; subject to the conditions and informatives set out in the report and the additional conditions as agreed.

*\*Members took a five minute break*

203 **TG/21/03561/FUL & TG/21/03562/LBC - Spitfire Court, Jerrard Road, Tangmere, PO20 2GR**

Mr Young presented the report to Committee.

He outlined the site location and confirmed that the site was within the Tangmere Conservation Area and explained that the proposal sought permission, along with listed building consent to undertake repair works to the windows and doors of the existing building, including 51 crittal windows, 29 timber windows and the replacement of some cracked windows.

Mr Young showed various elevations to the Committee. He highlighted Flat 7 and informed the Committee that this accommodation would experience the most significant repair work. He explained that the building had been converted into flats during the 1980's.

Mr Young drew the Committee's attention to the Agenda Update sheet which set out an Addendum to the History.

The Committee received the following representation;

Cllr Andrew Irwin – Tangmere Parish Council

Officers responded to Members' comments and questions as follows;

On the issue of thermal efficiency and listed building status; Mr Broadway informed the Committee that Historic England advised a whole building approach be adopted when trying to improve the thermal efficiency of a listed building. He explained that he had made the applicant aware of this during the pre-application stage and highlighted the range of measures available to them. As a point of note he informed the Committee that only 10% of a buildings heat was lost through its windows.

With regards to secondary glazing; Mr Broadway informed the Committee that officers had advised the applicant they should do. He explained that the current windows were installed during the 1920's and were made from slow growing nordic spruce, which will last for a long period of time if they are correctly maintained and repaired. In addition, officers have recommended modern seals and draft excluders (which were not originally fitted) be included within the repair and restoration work.

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

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

*\*Mr McAra left the meeting a 12.30pm*

*\*Members took a five minute break.*

## 204 **DEFRA Consultation on Biodiversity Net Gain**

Ms Stevens presented the report to the Committee. She explained the purpose of the report and provided an overview of what was meant by Biodiversity Net Gain (BNG) and how it had evolved within a policy context.

Ms Stevens informed the Committee that there are currently no specific requirements to identify how much BNG should be delivered, however, a requirement of the Environment Act is for development to deliver a BNG of 10%, it is anticipated that this will be mandated from 2023.

The purpose of the consultation is to assist DEFRA in understanding the processes for implementing BNG within the planning process.

Ms Stevens explained the proposals for how BNG could be achieved, including on-site measures, off-site measures or through a national credit scheme. However, she stressed that it was considered important on-site BNG should be sought in the first instance.

Ms Stevens explained that Sussex Nature Partnership would be submitting a separate response to the consultation and confirmed that officers from the Environmental Team would be assisting in that response.

Ms Stevens advised the Committee that the consultation closed on 5 April and asked members to forward any additional comments within 7 days of the committee meeting to allow officers to consider them ahead of the formal response being submitted.

Officers responded to Members' comments and questions as follows;

On the matter of what would be defined as a small site; Ms Stevens informed the Committee there was a recommendation included within the consultation which stated there should be two metrics applied when calculating the BNG of a small site, one being a development under 10 dwellings and the second being small sites under 0.2ha. She agreed that further clarification could be provided in the answer submitted.

On the matter of reporting and monitoring BNG: Ms Stevens highlighted to the Committee that going forward there was a resource issue which would need addressing to ensure appropriate reporting and monitoring could be achieved.

On the issue of Change of Use applications; Ms Stevens agreed that the response could be further clarified to identify between applications where BNG may be achievable; such as agricultural barns to accommodation and developments where garden areas are proposed.

On the matter of temporary applications; Ms Stevens acknowledged the comments made and agreed that further clarification could be given to the proposed response to distinguish where BNG could be applied on longer term temporary applications.

With regards to current applications; Ms Stevens advised the Committee that applications received could only be assessed against the planning policies in place at that time. BNG is not mandatory and is not included within the adopted Local Plan, however, officers do seek to promote and preserve biodiversity.

On the matter of biodiversity credits; Ms Stevens acknowledged comments made by the Committee and agreed to feed them back for consideration.

On the issue of biodiversity credits; Ms Stevens acknowledged the comments made by the Committee and agreed to amend the response to reflect the strong opposition to them.

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

**Resolved;**

**That the Planning Committee;**

- 1) **Note the contents of the Department for Environment, Food & Rural Affairs (DEFRA) Consultation on Biodiversity Net Gains Regulations and Implementation, and;**
- 2) **Have commented on, and endorse, the proposed Council response set out in Appendix 1.**

*\*Members took a five-minute break*

205 **Water Resources in Northern Chichester District - REPORT TO FOLLOW**

Before inviting Ms Stevens to present the report. Mrs Purnell reminded the Committee that the appendix to the report was confidential and should not be discussed in public. If any discussion on the part two paper was required, the Committee would have to take a vote to go into private session.

Ms Stevens presented the report to the Committee. She outlined the report and the reason for the proposed recommendation.

There were no comments or questions from the Committee.

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

**Resolved;**

**That the Planning Committee;**

- a) **Note the content of the report**
- b) **Agree the date of publication of the Natural England Position Statement on 14 September 2021 as the date at which the Position Statement became a material planning consideration, and;**
- c) **Revoke the resolution of the Planning Committee on 2 February 2022 to; 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 of a permission on water neutrality grounds granted prior to that date.**

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

There were no late items.

207 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.18 pm

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CHAIRMAN

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Date: