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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 July 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Mr G Barrett, Mr B Brisbane, Rev J H Bowden (Vice-Chairman), Mr R Briscoe, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mrs J Fowler

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mr T Whitty (Divisional Manager for Planning Policy), Mr R Young (Development Management (Applications)), Mr J Brown (West Sussex County Council Highways) and Mrs F Baker (Democratic Services Officer)

251 **Chairman's Announcements**

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

The Chairman informed the Committee that Mr Whitty would be supporting the Committee as Ms Steven was unfortunately unable to attend.

Apologies were received from Cllr Judy Fowler

252 **Approval of Minutes - TO FOLLOW**

Cllr Oakley asked that further clarification could be provided to the minute item 242 and the angle at which the bund would be cut.

With the additional clarification the minutes of the meeting held on 15 June 2022 were agreed as a true and accurate record.

253 **Urgent Items**

There were no urgent items.

254 **Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda Item 7 – CH/21/02873/FUL – As the CDC External Appointment to the Chichester Harbour Conservancy

Mr Brisbane declared a personal interest in;

- Agenda Item 5 – CC/22/01046/FUL – Member of Chichester Conservation Area Advisory Committee
- Agenda Item 6 – CC/22/01047/ADV – Member of Chichester Conservation Area Advisory Committee

Mrs Johnson declared a personal interest in;

- Agenda Item 7 – CH/21/02873/FUL – Member of West Sussex County Council
- Agenda Item 8 – D/21/00997/FUL – Member of West Sussex County Council
- Agenda Item 9 – NM/20/02989/FUL – Member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 7 – CH/21/02873/FUL – Member of West Sussex County Council
- Agenda Item 8 – D/21/00997/FUL – Member of West Sussex County Council
- Agenda Item 9 – NM/20/02989/FUL – Member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – CC/22/01046/FUL – Member of Chichester City Council
- Agenda Item 6 – CC/22/01047/ADV – Member of Chichester City Council
- Agenda Item 7 – CH/21/02873/FUL – Member of West Sussex County Council
- Agenda Item 8 – D/21/00997/FUL – Member of West Sussex County Council
- Agenda Item 9 – NM/20/02989/FUL – Member of West Sussex County Council and a Member of the Chichester District Cycle Forum

Although not a member of the Planning Committee Mr Moss had registered to speak as the ward member for Agenda Item 7 and declared the following personal interests;

- Agenda Item 7 – CH/21/02873/FUL – as the CDC appointed member of the Chichester Harbour Conservancy
- Agenda Item 7 – CH/21/02873/FUL – his sister-in-law was a neighbour of the applicant.

255 CC/22/01046/FUL - 48 East Street Chichester West Sussex PO19 1HX

The Chairman explained Agenda Item 6 – CC/22/01047/ADV would be included within the presentation, a separate vote would be taken after the Committee had made their deliberations.

Mr Young presented the report to the Committee.

He outlined the site location and confirmed the building was located within the Chichester Conservation Area. For context Mr Young showed the Committee photos of other shops within the vicinity.

Mr Young informed the Committee that the outside of the building would be painted in black and there would be some 'infilling' undertaken to create a continuous shop frontage. He explained the proposed signage was respectful of the Conservation Area and confirmed there would be no illuminated signage.

There were no representations.

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

In response to concerns regarding the shop frontage; Mr Young acknowledged the comments made. He explained the application sought to clad the central column in timber, and then hand paint it in black, which would blend in well with the wider location.

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

Resolved; **permit**, subject to the conditions and informatives set out in the report

**Members took a five-minute break.*

256 **CC/22/01047/ADV - 48 East Street Chichester West Sussex PO19 1HX**

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

Resolved; **permit**, subject to the conditions and informatives set out in the report

257 **CH/21/02873/FUL - The Granary Barn Steels Lane Chichester West Sussex**

Mr Young presented the report to the Committee. He drew attention to the Agenda Sheet which set out additional supporting information from the applicant.

Mr Young highlighted the site location and neighbouring properties. He confirmed the land the property was on, was in the ownership of the applicant. He outlined the curtilage of the property and highlighted the brick and flint wall.

Mr Young informed the Committee that the application included the proposal for one parking space.

Mr Young highlighted the shutter features on the property and explained these would be shut when the property was not in use. The roof light would have a blind

installed to prevent light spillage. He showed the internal floor and highlighted the original beams which had been maintained as part of the development. Mr Young showed pictures of the property and drew attention to the staddle stones which the property was built on.

There was no requirement for nitrate mitigation as the applicant had proposed to install a bio bubble. Mr Young confirmed Natural England had raised no objection.

The following representations were received;

Chidham & Hambrook Parish Council – statement read by Cllr Garrett
Mr Garrett – Objector
Mr Iain Macpherson – Objector
Mr Karl Seddon – Objector (Statement read by Mrs Fiona Baker)
Mr Peter Scot MBE – Supporter (Statement read by Mrs Fiona Baker)
Mr Jeremy Cox – Supporter (Statement read by Mrs Fiona Baker)
Mr David James-Cheesman – Supporter (Statement read by Mrs Fiona Baker)
Mrs Sandra James – Applicant
Cllr Adrian Moss – Ward Member

The Chairman invited Mr Whitty to clarify some comments made during the representations.

Mr Whitty clarified that no enforcement notice had been served on the property. In addition, he confirmed the issue of Permitted Development rights were not relevant to the application and should be disregarded. He drew the Committee's attention to paragraph 8.44 (p.41) which set out further detail regarding permitted development.

On the issue of a previous application being refused, Mr Whitty explained there was a principal difference in that the curtilage of the previous application extended out into field.

In response to concerns of recreational disturbance, Ms Golding drew the Committee's attention to paragraph 8.41 (p.41) and confirmed that a contribution of £490 had been received.

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

On the issue of what weight is afforded to which policy; Mr Whitty confirmed the Chichester Harbour Conservancy Management Plan was a material consideration, however, he explained that the Local Plan was the superior document. Mr Whitty informed the Committee that in officer opinion there was no conflict between the policies.

Mr Whitty confirmed that a 'change of use' application was not required for the drainage pipe.

With regards to Policy 46; Mr Whitty confirmed Policy 46 was the correct policy to consider. The application was putting an existing building to further use, providing a low-key tourism facility. There was no significant impact on the landscape. He

advised the Committee that they did not need to consider whether a 'need' had been met when considering whether the application was acceptable under policy 46.

Mr Whitty explained that 'Class Q', which allowed the conversion of agricultural buildings, did not apply in an AONB.

With regards to the materials used; Mr Whitty informed the Committee that it was standard practice in the conversion of old agricultural buildings to include a percentage of new materials.

With regards to limiting the proposed rental period; Mr Whitty informed the Committee this was not possible and would be an unreasonable condition. With regards to the dark skies, Mr Whitty drew the Committee's attention to Condition 7 of the report (p.44) which required a blackout blind to be fitted and closed from dusk till dawn.

On the matter of 'precedence' being set; Mr Whitty clarified that there would be no precedence set as the conversion of the building was permitted through the Local Plan.

Mr Whitty informed the Committee that an Inspectors Judgement letter did not create policy.

Mr Whitty confirmed there was no evidence to suggest the site was at risk from flooding.

In a vote the Committee agreed to support the report recommendation to **permit with S106**, subject to the conditions and informatives set out in the report.

Resolved; **permit with S106**, subject to the conditions and informatives set out in the report

** Members took a 15-minute break.*

258 **D/21/01013/FUL - Donnington Manor Farm Selsey Road Donnington**

Mr Young presented the report to the Committee. He showed the site layout and outlined the buildings already located on and the highlighted the nearest property; 2 Ivy Cottages which was where the applicant currently resided.

Mr Young drew the Committee's attention to the proposed area of land for the new development. He confirmed the site was located outside the settlement boundary.

The proposal was for a one and half storey chalet style bungalow, with a link to garaging and office. Mr Young confirmed there would be new landscaping provided as part of the application, he showed the proposed elevations and floor layout. He explained officers were concerned the proposal and its design was out of keeping with the surrounding countryside.

Mr Young informed the Committee the application was in open countryside and was not designated for development. He explained the applicant already lived on the main farm site had not put a satisfactory case forward for the essential need to live on site. Mr Young informed the Committee the farm was operational, but there were also a number of diversified businesses on site including wild camping and dog walking.

There was no objection from WSCC Highways and an electric vehicle charging point would be installed as part of the development.

Mr Young explained the recommendation was to refuse the application and drew the Committee's attention to page 63, which set out the reasons for refusal.

The following representations were received;

Mr John Brown – Supporter
Mr Robert Brown – Supporter
Cllr Adrian Moss – CDC Ward Member
Cllr Penny Plant – CDC Ward Member

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

On the matter of Ivy Cottages; Mr Whitty confirmed the Historic Buildings Advisor had visited the site and advised that modifications could be sensitively made with planning application.

With regards to additional conditions; Mr Whitty informed the Committee that a personal condition (i.e., attached to the applicant) could not be included however, a condition to restrict the occupation of the house to an agricultural work could be attached.

In response to concerns regarding policy application; Mr Whitty clarified that officers had tested the application against policy criteria and in doing so found the application did not meet many of the required criteria. He advised that whilst policy was not made by the granting or refusing of applications, the interpretation of policy in making the decision did.

With regards to the ownership of other buildings on the land; the Chairman allowed the applicant to clarify the boundary of the blue line, they confirmed that neither Donnington Manor nor North End Cottage were in their ownership.

Mr Whitty confirmed there was no 'tie' on Ivy Cottage.

With regards to whether there was an alternative location on site; Mr Whitty advised the Committee this would have been considered as part of the application process.

With regards to negotiating on the size of the proposed development site; Mr Whitty reminded the Committee they were not there to negotiate; it was their responsibility to take a decision on the application presented to them.

Mr Whitty advised the Committee that if they chose to permit the application it would be cited as precedent on similar future applications. However, if the Committee felt that the complexities of the site necessitated the need for the applicant to reside on site and grant the application outside of Policy 37, the application could be advertised as a departure from Local Plan Policy for a period of three weeks, it would then be brought back to Committee for decision.

Cllr Bowden proposed the application be deferred for a site visit.

Cllr Brisbane seconded the proposal.

In a vote the Committee rejected the proposal.

In a vote the Committee refused to support the report recommendation.

Cllr Bowden proposed the application be deferred to allow officers the necessary time to readvertise as the application as a departure from Local Plan Policy, due to the complexities of the diversification and the need for someone to be on site at all times. During the deferment the Committee asks officers to further negotiate the extent of the curtilage of the dwelling with the applicant.

Cllr Sharp seconded the proposal.

In a vote the Committee voted in favour of the proposal to **defer**; for the reasons set out above.

Resolved; **defer**, for the reasons set out above.

259 **NM/20/02989/FUL - Land South Of Lowlands North Mundham West Sussex**

Ms Bell presented the report to the Committee. She drew attention to the Agenda Update Sheet which included some additional correspondence from the applicant.

Ms Bell explained the application was deferred from the Committee meeting held on 8 September 2021 and went over the reasons for the deferral. She drew the Committee's attention paragraph 6.17 (page 89 - 90) of the report which set out the additional comments received from WSCC Education who had removed their objection following a recent revision in pupil projections and now supported the application.

Since the deferral of the application there had been some changes; the Council now had a five-year housing land supply and First Homes had been included within the application.

Ms Bell highlighted the site location and informed the Committee the site was 8.44 hectares, located between the settlement of North Mundham and Hunston. She highlighted the different areas of the application and drew attention to the grade 2

properties near the site. In addition, she clarified where the site was in relation to the Lowlands development site.

Ms Bell explained the overhead cables seen in photos had permission to be buried.

The site fell within the boundaries of both Hunston and North Mundham Parish Councils. The housing and open spaces would be located within North Mundham Parish Council, and the ecological mitigation area would be located within Hunston Parish Council.

She explained the application was a hybrid application which sought full planning permission for 66 dwellings and associated development including parking, open space, an equipped play area and SUDs; and outline planning permission with all matters reserved except for access to the east of the site for open space and the provision of a new 3.5m footway/cycleway.

Ms Bell highlighted the site layout and identified where different aspects of the development would be located. She highlighted the affordable housing units which included the first homes.

The Committee were shown proposed elevations.

Ms Bell informed the Committee that all houses would be installed with air source heat pumps. Solar panels would be installed on 17 dwellings and 80% would have Electric Vehicle charging points.

As part of the S106 agreement the outdoor space would be transferred to North Mundham Parish Council for future maintenance, this would not include the SUDs.

The following representations were received;
Mr Tim Russell – North Mundham Parish Council
Mrs Joan Foster – Hunston Parish Council (statement read by Mrs Fiona Baker)
Ms Amanda Sutton – Agent

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

With regards to further upgrades along the footpath 188 to Hunston; Ms Bell explained the footpath crossed land which fell outside the application site, was in third party ownership and not relevant to the application. Officers had met with Public Rights of Way Officers who had requested a substantial upgrade which could not be justified in planning terms.

On the issue of GP provision; Ms Bell informed the Committee that a CIL element would be paid for medical provision.

With regards to the lack of capacity in the Southern Water Network; Ms Bell informed the Committee that a preoccupation condition had been recommended. In addition, Ms Bell explained, the Lowland site was owned by the same developer, who was already in discussion with Southern Water regarding requirements.

Discharge conditions regarding wastewater were also proposed as part of the recommendation.

On the matter of the ageing population; Ms Bell highlighted the six bungalows which would be developed at the southern end of the site.

In response to concerns regarding the coalescence between the two settlements; Ms Bell highlighted the area of land which would be retained as open space in perpetuity, which would help prevent the coalescence between North Mundham and Hunston.

Whilst not a planning matter, Ms Bell informed the Committee the maintenance of the open space land would be for a period of 15 years, with a £200,000 contribution proposed by the applicant. She drew the Committee's attention to p.113 which set out the proposed legal agreement.

On the matter of road safety and risk assessment; Mr Brown informed the Committee that a stage one road safety audit had been undertaken on the access as part of the Lowlands application. Additional information had been submitted by the transport consultant for the application, this information confirmed the auditor was satisfied with the safety assessment undertaken.

With regards to visibility; Mr Brown confirmed that the access to the development was in accordance with the 85 percentile of recorded road speeds.

On the matter of the queue risk assessment; Mr Brown informed the Committee the transport assessment for the application had considered a 'worse case scenario' of 250 dwellings. WSCC have reviewed the evidence and are satisfied with the assessment undertaken.

With regards to Solar Panels; Ms Bell explained officers assessed the application against the criteria set out in the IPS, which requires a minimum of 19% fabric first. The applicants have proposed 21.3% fabric first, in addition through the solar and air source heat pumps the applicant is proposing a further 52% in renewable energy. The total being offered by the applicant was significantly higher than what was set out in the IPS. She agreed an informative could be added which would allow the occupant on 'first sale' to choose whether to add Solar Panels.

With regards to bus stops; Mr Whitty explained that neither a condition nor informative could be attached. However, the Council could contact WSCC, and Stagecoach to ask for further bus stops outside the meeting.

On the matter of the pumping station; Ms Bell highlighted where the pumping station would be located, she explained the design would be completed under the Utilities Permitted Development Rights.

On the issue of removing permitted development rights from the bungalows; Mr Whitty agreed a condition could be included to remove the permitted development rights from the six bungalows.

In a vote the Committee agreed to support the report recommendation to **defer for S106 then permit**, subject to the conditions and informatives set out in the report, plus the additional condition and informatives.

Resolved; **defer for S106 then permit**, subject to the conditions and informatives set out in the report, plus the additional condition and informatives.

**Members took a five-minute break*

** Cllr Johnson and Cllr McAra left the meeting at 14.03*

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

The Chairman drew the Committee's attention to the Agenda Update sheet which included an update on High Court Matters.

In response to a question regarding the 666 number of houses quoted on p.139 in the Inspectors letter; Mr Whitty informed the Committee he would look into this further outside the meeting.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

263 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.10 pm

CHAIRMAN

Date: