



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 10 August 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, 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: Rev J H Bowden

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Mrs F Baker (Democratic Services Officer), Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer) and Mrs F Stevens (Divisional Manger for Planning)

264 **Chairman's Announcements**

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

Apologies were received from Cllr John-Henry Bowden.

The Chairman informed the Committee that Agenda Item 8 had been withdrawn from the agenda due to the appropriate certificate not being served on the landowner (Chichester District Council). It would be brought back to a future Committee meeting.

265 **Approval of Minutes**

The minutes of the meeting held on 6 July 2022 were agreed as a true and accurate record.

266 **Urgent Items**

There were no urgent items.

267 **Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda item 9 – BO/21/03586/FUL – as the External Appointment to Chichester Harbour Conservancy

Mrs Johnson declared a personal interest in;

- Agenda item 6 – SY/21/02895/FUL – as a member of Selsey Town Council
- Agenda item 7 – SY/22/00138/FUL – as a member of West Sussex County Council and Selsey Town Council
- Agenda item 8 – CC/21/03657/FUL – as a member of West Sussex County Council
- Agenda item 9 – BO/21/03586/FUL – as a member of West Sussex County Council

Mrs Purnell declared a personal interest in;

- Agenda item 6 – SY/21/02895/FUL – as a member of Selsey Town Council
- Agenda item 7 – SY/22/00138/FUL – as a member of Selsey Town Council

Mr Simon Oakley declared a personal interest in;

- Agenda item 7 – SY/22/00138/FUL – as a member of West Sussex County Council
- Agenda item 8 – CC/21/03657/FUL – as a member of West Sussex County Council
- Agenda item 9 – BO/21/03586/FUL – as a member of West Sussex County Council

Mrs Sarah Sharp declared a personal interest in;

- Agenda item 7 – SY/22/00138/FUL – as a member of West Sussex County Council
- Agenda item 8 – CC/21/03657/FUL – as a member of West Sussex County Council & member of Chichester City Council
- Agenda item 9 – BO/21/03586/FUL – as a member of West Sussex County Council

268 **CDC Draft Local Validation List Report**

Ms Stevens introduced the report. She explained the background to the Local List and why it was required. As dictated by the National Planning Practice Guidance (NPPG) the Local List should be reviewed every two years, the current list was last reviewed in October 2020 which meant a new list would be required from October 2022.

Ms Stevens informed the Committee that the revised list (page 17) had been amended to address new and emerging issues such as Water Neutrality and Nitrate Mitigation.

Ms Stevens highlighted that the list stated there were currently four Air Quality Management Areas (AQMA), this was incorrect as the AQMA's at both Stockbridge

and Orchard Street had been removed. She assured the Committee that this would be corrected before going out for consultation.

Officers responded to Members questions and comments as follows;

With regards to the requirement for the maintenance of existing drainage ditches and watercourses; Ms Stevens would consider this further and liaise with the Drainage Engineers as part of the consultation process.

Ms Stevens clarified that the Local List was not a Planning Policy document, it could not be used to 'strengthen' anything further such as Affordable Housing.

Ms Stevens confirmed that guidance on Design and Access guidance was included. She drew attention to page 24 of the agenda pack, which set out the information required in a Design and Access Statement.

On the matter of whether construction compounds should be included within the red line of a submitted location plan, Ms Stevens would consider this further.

Following a vote; the Committee voted in favour of the report recommendation, subject to the consideration of points raised and the amendment to the AQMA.

Resolved;

That the Draft Local List (set out in Appendix 1 to this report) be agreed for consultation as a document to be used in validating planning applications.

**Members took a five minute break*

269 **SY/21/02895/FUL - The Boulevard, 3 New Parade, High Street, Chichester, PO20 0QA**

Mr Mew presented the report to Committee. He explained the application was a retrospective application for a canopy shelter which had been erected in 2021.

Mr Mew outline the application site and informed the Committee the site was located within the Selsey settlement boundary but outside the Conservation Area.

Mr Mew showed the Committee images of the site and the structure, as well as images of the surrounding street scene.

The following representations were received;

Cllr Andrew Brown – Selsey Town Council Parish Representative
Mr Steven Boulcott – Objector
Mr Matthew Pickup - Agent

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

With regards to concerns regarding impact from lighting; Mr Mew agreed a lighting condition could be included to secure further details.

On the matter of the road in front of the business; the Chairman confirmed there was a one-way system in operation which was used by cars.

In response to concerns raised regarding the 'aesthetics' of the structure, Ms Stevens reminded the Committee the application was retrospective. In officer opinion it was a modest structure which had been set back from the road and caused no harm to the local setting.

With regards to noise concerns regarding rain on the tin roof; Ms Stevens informed the Committee that there had been no noise complaints raised since its installation. A guttering condition could be included to manage rainfall from the canopy.

In response to concerns regarding the loss of footway; Ms Stevens acknowledged concerns of encroachment but reiterated the footway was not part of the public highway and was in private ownership.

With regards to the site location and overlapping on neighbouring properties; Mr Mew confirmed officers were satisfied the proposal was located within the red line of the application site. He also highlighted that there had been no objections received from immediate neighbouring commercial premises.

On the matter of material changes including the painting of the tin canopy to reduce glare; Ms Stevens acknowledged the concerns raised however, she advised the Committee that these concerns would not be significant enough for the Committee to refuse the application. She advised the Committee to consider deferring the application to allow officers to undertake further negotiations with the applicant to address the concerns raised.

Cllr Oakley proposed the application be deferred to allow officers to undertake further negotiations with the applicant to address the concerns raised.

This proposal was seconded by Cllr Briscoe.

In a vote the Committee agreed to support the proposal to **defer**.

Resolved; **defer**; to allow officers to undertake further negotiations with the applicant to address the concerns raised

270 **SY/22/00138/FUL - The Boulevard Land, Adjacent 3-4 New Parade, High Street, Selsey, PO20 0QA**

Mr Mew presented the report to Committee. He provided a verbal update on Condition 2 and explained that in accordance with paragraph 3.2 of the report the

wording of the condition would be amended to the following; ...amended to the extent shown on the permitted plans.

Mr Mew highlighted the site location and confirmed it was with the settlement boundary of Selsey but outside the conservation area.

He showed the Committee some images of the area being used as the outside seating area and the structure in place.

Mr Mew informed the Committee that planning permission on the site had been granted in 1994 for amendments to New Parade, the route for vehicular movement, and a change of use to car parking. Mr Mew highlighted that there were no conditions on the permission that required the area set aside for parking to be maintained in perpetuity, meaning it could be lost at a future date with no control from planning. He highlighted the area of parking to the rear of the site which was controlled by S106.

Mr Mew showed the proposed modifications to the unauthorised existing pergola. He informed the Committee there had been a recent refusal on site, the application being considered sought to address the reasons for refusal on the previous application.

The following representations were received;
Cllr Andrew Brown – Selsey Town Council Parish Representative
Mr Steven Boulcott – Objector
Mr Matthew Pickup – Agent

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

On the matter of parking provision; Mr Brown acknowledged that the local provision was slightly less than what would normally be required, however, the site was in a sustainable location and when considered in balance was deemed acceptable. With regards to inappropriate parking on the B2145, he explained there were mechanisms in place to manage this; in addition, a Section 137 could also be applied for.

In response to concerns raised regarding the loss of parking; Mrs Golding reiterated the advice given by officers. She reminded the Committee that the parking spaces were not restricted in anyway within the planning unit. The area was ancillary to the planning unit, and it was acceptable for it to be used for tables and chairs. The Planning Committee were being asked to consider the structure and not the use, the issue of parking had nothing to do with the application. In addition, Ms Stevens explained that refusing the application due to the loss of parking would not be acceptable as there was no requirement for parking to be retained.

With regards to the impact on local amenity; Ms Stevens confirmed that officers had considered the comment made by WSCC Highways as part of their response. However, it was officer opinion that the site was in a sustainable location and there would be no grounds for a refusal due to impacting amenity or highway safety.

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

Resolved; **permit**, subject to the following conditions and informatives.

**members took a five-minute break*

271 **CC/21/03657/FUL - Solent Wholesale Carpet Company Ltd, Barnfield Drive Chichester, PO19 6UX**

As announced by the Chairman this item was withdrawn from the agenda.

272 **BO/21/03586/FUL - Dairy and Calf Barn Building, Taylors Lane. Bosham, PO18 8EN**

Mr Mew presented the report to Committee. He explained the application was for a change of use to provide two live/work units. He drew the Committee's attention to the Agenda Update Sheet which included; addendums to the report including the reason for Committee referral and amended wording to Condition 14.

He highlighted the site location and explained the site was located outside the settlement boundary of Bosham and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The buildings were shown to be set within a rural location but close to cluster of residential dwellings.

Mr Mew informed the Committee that Policy 46 did allow in principle the change of use of redundant agricultural buildings for other uses. He explained that a live/work unit was one of the exceptions allowed through Policy 46. Condition 3 was proposed to secure the appropriate 'work' use of the unit for example it could not be used for a retail unit or restaurant.

Mr Mew showed the Committee the proposed layout and elevations of each building. He highlighted the landscape enhancements which would be delivered as part of the application, including the creation of a wildflower meadow, hedge planting and tree planting.

Mr Mew drew the Committee's attention to the sustainability improvements including the installation of solar panels, the removal of roof lights and the installation of air source heat pumps. A sustainability report had been submitted to accompany the application.

The following representations were received;
Cllr Antony Chapman – Bosham Parish Council
Mrs Elizabeth Lawrence – Agent

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

With regards to what use of the live/work unit would be acceptable; Mr Mew reiterated that the application was not for an unrestricted C3 residential unit as that would be contrary to policy. He explained Planning Policy 46 required live/work units to be considered before residential and sought to secure buildings for economic purposes. The use of the units would be secured through Condition 3 and assured the Committee this Condition was fully enforceable.

In response to concerns from the Chichester Harbour Conservancy; Mr Mew acknowledged their objection, however, their Planning Principle PP06 did allow for the conversion of buildings both within and outside the settlement boundary within the AONB, and in officer opinion the application had met all the six requirements to satisfy this policy.

In response to concerns regarding an increase in future vehicle movement; Mr Mew acknowledged the comments made; however, he reminded the Committee that the buildings already had an agricultural use and vehicle movement was already established on site. Condition 3 would secure future use and prevent the introduction of any business that would not be acceptable within the area, it restricted the type of business to those which would be most suitable within a residential area.

With regards to the need for the development; Mr Mew informed the Committee that officers had sought further information from the applicant and were satisfied that a need for the development had been evidenced.

With regards to the provision of solar panels; Mr Mew confirmed solar panels would be provided and were shown on the elevations of the calf barn. He drew the Committee's attention to paragraph 8.36 of the report (p.124) which set out the other sustainability measures proposed as part of the application.

On the issue of 'work from home'; Ms Stevens confirmed there was a difference and 'working from home' would not be an acceptable use of the unit.

In response to concerns regarding outside storage; Mr Mew drew the Committee's attention to Condition 13 which would prevent any outside storage taking place.

With regards to the garden curtilage; Mr Mew explained there was no specific condition to control the curtilage however, the garden areas were very clearly defined. The wildflower meadow is secured in perpetuity through Condition 14.

In response to concerns regarding permitted development rights; Ms Stevens explained there were no rights to withdraw, any change of use or extension would require a planning application.

In a vote the Committee agreed to support the report recommendation to **defer for S106 then permit**, subject to the following conditions (and informatives set out in the report; including the amended condition set out in the Agenda Update.

Resolved; Defer for S106 then permit, subject to the following conditions and informatives set out in the report; including the amended condition set out in the Agenda Update.

**Members took a five-minute break.*

**Cllr Johnson and Cllr McAra left the meeting at 12.40*

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

The Chairman introduced the item. They gave a verbal update and explained that the costs awarded for the Houseboat Water Gypsy, Chichester Marina (page 132) were not included within the update but would be published in the next update. However, the Chairman wished to make the Committee aware of comments made by the Planning Inspector when making their decision to award costs;

'...Members of the Planning Committee are entitled to reach a different decision to the case officer's recommendation, but they have to do so whilst relying on substantive planning grounds.

Ms Golding drew attention to the Agenda Update Sheet which included an update on High Court Hearings in relation to the following sites;

- Land at Flat Farm, Broad Road, Hambrook and;
- Westhampnett/North East Chichester SDL

Ms Golding explained that the Goodwood Estate had only very recently served the papers naming the Council as an interested party, however the papers had been served late. It was anticipated that the solicitors acting for the Goodwood Estate would contact Ms Golding requesting a consent order to be signed agreeing to proceedings going ahead. However, the final details were yet unknown.

In response to concerns regarding Oakham Farmhouse (p.152); Mrs Archer informed the Committee she had undertaken a site visit and the fence had been reduced to around 1m in height, the posts had not yet been reduced. Going forward officers would withdraw the legal proceedings and work with the landowner to bring forward compliance.

With regards to the Appeal Allowed at Land North West of Newbridge Farm; Ms Stevens clarified the comments made by the inspector and explained why they had awarded costs.

With regards to the court date for Land South of the Stable, Scant Road; Mrs Archer acknowledged the comments made and would liaise with the inspector outside the meeting.

On the matter of costs; Ms Stevens explained there was no budget ring fenced for when costs were awarded against the Council. She agreed that officers could provide an update to show what costs had been paid out over the year.

The Committee noted the report.

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

The Committee agreed to note the item.

275 Schedule of Contraventions

Mrs Archer introduced the item. She drew the Committee's attention to the new line which had been added at table 2 (page 161), she explained this line represented the total number of active cases; which was currently 367.

On the matter of court availability and its impact on case load; Mrs Archer informed the Committee that the high case load was a result of resourcing issues. She explained that the team had been operating with vacant posts, however, there had been two recent appointments into these posts.

The Committee agreed to note the item.

276 Consideration of any late items as follows:

There were no late items.

277 Exclusion of the Press and Public

There were no part two items.

The meeting ended at 1.11 pm

CHAIRMAN

Date: