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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 4 January 2023 at 9.30 am

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

Members not present: Rev J H Bowden and Mr D Rodgers

In attendance by invitation:

Officers present: Miss D Smith (Development Manager (Applications)), Ms F Stevens (Divisional Manger for Planning), Miss S Haigh (Planning Officer) Mr C Thomas (Senior Planning Officer), Mr N Bennett (Divisional Manager Legal & Democratic Services) and Mrs F Baker (Democratic Services)

43 **Chairman's Announcements**

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

Apologies were received from Cllr Bowden and Cllr Rodgers.

44 **Approval of Minutes**

Following a vote, the minutes of the meeting held on 7 December 2022 were agreed as a true and accurate record.

45 **Urgent Items**

There were no urgent items.

46 **Declarations of Interests**

Mrs Johnson declared a personal interest in;

- Agenda Item 6 – CC/19/02241/FUL – as a member of West Sussex County Council
- Agenda Item 7 – NM/21/03547/FUL – as a member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 6 – CC/19/02241/FUL – as a member of West Sussex County Council
- Agenda Item 7 – NM/21/03547/FUL – as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 6 – CC/19/02241/FUL – as a member of West Sussex County Council and a member of Chichester City Council
- Agenda Item 7 – NM/21/03547/FUL – as a member of West Sussex County Council

47 **CC/22/02355/DOM - Rye Cottage West Broyle Drive Chichester West Sussex PO19 3PP**

Miss Haigh presented the report. She drew attention to the Agenda Update Sheet which included an Addendum to the report at paragraph 8.15; an Addendum to the Decided Plans table and an additional third-party representation.

Miss Haigh highlighted the site location, which was outside the Chichester Settlement boundary. She explained the application was for the erection of a double garage with storage/home office above, which would be located within the northwest of the site within the curtilage of the main dwelling. Miss Haigh confirmed there would be no change to the current access arrangements.

The site was well screened with existing planting and hedgerows already established; Miss Haigh drew attention to the planting on the northern boundary which was the closest to where the building would be. She informed the Committee the nearest neighbouring property was located over 30m away from the proposed building.

Miss Haigh confirmed that all existing trees on the site had been surveyed and would be secured through condition 3 to protect them during construction.

Miss Haigh showed the Committee the proposed elevations and explained the proposed materials, which would be in keeping with the surrounding vernacular. In addition to the orientation of the building the proposed dormer windows would be obscure glazed and positioned 1.7m above first floor level, in order to minimise any overlooking to neighbouring properties.

The maximum ridge height of the proposed building would be 5.6m.

Miss Haigh confirmed (as stated in the Agenda Update Sheet) the building would be conditioned (Condition 5) as an ancillary building and not incidental due to the installation of a WC on the first floor which.

The following representations were made;

Mr Mark Stonefrost – Objector
Mr Paul Stedman – Objector
Ms Anne Christie - Objector
Mr Ryan Bennett – Applicant
Cllr Clare Apel – CDC Ward Member

Officers responded to comments and questions as follows;

In response to a question regarding why the building had been changed from incidental to ancillary; Miss Smith explained the difference between a building classed as incidental and one classed as ancillary. She explained the reason for the proposed building being classified as ancillary was the inclusion of a WC.

On the matter of the height and size of the proposed development; Miss Haigh confirmed the maximum height would be 5.6m, and the area of the first floor would be 27.2m².

In response to concerns regarding the potential future use of the building; Miss Smith agreed that if the Committee wished, a condition could be included within the permission to restrict the use of the building to what was proposed – garage and store.

With regards to the obscure glazing in dormer windows; Miss Smith agreed a condition could be included to ensure the dormer windows remained obscurely glazed in perpetuity. She confirmed the obscure glazing would extend to the top of the windows.

With regards to restricting the opening of the windows; Miss Smith advised this would not be possible due to building regulations which would require the windows to have the option of opening for safety reasons.

On the matter of external lighting; Miss Smith acknowledged concerns raised regarding the potential impact from external lighting and advised if the Committee were concerned a condition could be included to restrict the use of external lighting.

On the matter of the previous site application; Ms Stevens explained the proposal was an outline application for a two-storey dwelling with single storey element. The height of the two-storey section would have been 7.4m in height, the proposal was located further forward and had windows facing to the east; it was refused as it was deemed unacceptable in principle. She explained the material differences between the previous application and the application been considered which was recommended to permit.

With regards to safeguarding the existing landscaping during construction; Miss Smith advised a condition could be included along the northern and western boundaries to ensure any trees damaged would be replaced.

With regards height of the main dwelling; Miss Smith informed the Committee she did not have the exact height of the dwelling but estimated it to be around 7.5m/8m

in height, the proposed building had a maximum height of 5.6m and would appear subservient to the main dwelling. In addition, there was a single storey outbuilding between the main dwelling and the proposed building

On the matter of thermal efficiency and fire safety; Miss Smith explained these would be addressed through Building Regulations.

With regards to light spillage from the building; Miss Smith advised that in officer opinion it would not be reasonable to apply a condition requiring the installation of blinds, as there was no such condition attached to the main dwelling.

On the matter of distance between the proposed building and the hedge; Miss Smith confirmed there would be approximately 2.5m on the northern boundary and 3m on the western boundary, between the building and the hedge. This would allow sufficient access to ensure the hedge was suitably maintained.

On the issue of the proposed building's proximity to neighbouring properties; Miss Smith confirmed there was over 30m between the building and the nearest neighbouring property. The proposed positioning of the building and windows, along with the addition of obscure glazing minimised the impact of overlooking into neighbouring properties.

On the matter of protecting the oak tree; Miss Smith informed the Committee that the tree was not subject to a TPO, nor was it located within a conservation area, however, she assured them that officers had worked with the applicant to ensure the tree would be suitably protected during development. In addition, she reminded them of the additional condition which would require the replacement of any trees damaged during development. In officer opinion it was not necessary to apply a TPO.

Following a vote, the Committee voted in favour of the report recommendation to **permit**, including the following additional conditions:

- Condition to restrict external lighting
- Condition to restrict the use of the building to what has been applied for (double garage, home office and storage)
- Condition to enhance planting and landscaping
- Condition to ensure obscure glazing is maintained in perpetuity

Resolved; **permit** subject to the conditions and informatives set out in the report, plus the additional conditions as set out above.

**Members took a five-minute break*

**Cllr Wilding arrived at 10am and abstained from the vote*

Mr Thomas presented the report and explained the application was for the demolition of the existing building and the construction of six flats with associated parking and external works. He drew attention to the agenda update sheet which included additional third-party representations.

Mr Thomas outlined the site location, which was within the Chichester Settlement boundary. The site was currently occupied by a single detached dwelling set back from Brandy Hole Lane. Mr Thomas highlighted the current parking arrangements and vehicular access. He drew attention to an existing planting buffer between the property and Brandy Hole Lane; however, this was in the ownership of a neighbouring property.

Mr Thomas highlighted a property to the west of the application site which had recently been awarded planning permission for a new dwelling and outlined comparisons between the sites in terms of size and scale.

The Committee were shown the proposed site plan and elevations. In officer opinion the proposed building was in keeping with the area. Mr Thomas confirmed that a landscaped front garden would be retained along with the current access arrangements, however, the parking provision would be moved to the rear of the property to reduce the perception of parking at the front.

A full landscaping condition was proposed, along with a condition to protect existing trees and shrubs on site.

The following representations were made;

Cllr Jeremy Hunt – West Sussex County Council Member
Mr Chris Purdy – Agent

Officers responded to comments and questions as follows;

With regards to the number of proposed parking spaces; Mr Thomas confirmed there were nine proposed parking spaces.

On the matter of the visibility; Mr Thomas explained the hedgerow located within the visibility splay was on land owned by WSCC. He highlighted the comments made by WSCC Highways (p.23-24) which confirmed the hedge would not need to be removed but would need to be maintained by cutting back.

On the matter of bin storage; Mr Thomas explained full details of the proposed bin storage would be secured through condition. He advised it would be most likely that the development would be serviced by large bins as opposed to individual wheelie bins for each property.

Mr Thomas showed the Committee how residents from the dwelling would be able to access the footway which was located on the south side of Brandy Hole Lane.

In response to concerns regarding lighting; Miss Smith explained Condition 18 (page 40) had been proposed as part of the recommendation to manage external lighting.

It was officer opinion that light spillage from the property would not be significantly different from current use.

With regards to the Character Appraisal submitted by the Resident's Association; Mr Thomas confirmed the appraisal was not a material consideration.

On the matter of wastewater; Ms Stevens advised the Committee that the waste water would be collected at the Apuldram waste water treatment plant. She explained that Southern Water were not a statutory consultee for the application due to the number of units being proposed (less than 10), based on the policies and guidance currently in place there would be no justification for them to refuse the application.

In response to concerns that a precedent may be set for similar developments; Miss Smith advised the Committee that they must consider the application in front of them. She reminded them that the council did not have a five-year housing land supply (5YHLS), therefore the tilted balance is applied. In officer opinion there is no significant harm as the proposed building was in keeping with the area and would look like a single dwelling from the outside.

With regards to the period of time between validation and coming to Committee; Ms Stevens explained there were a number of factors which had delayed the application (none of which were the fault of the applicant); however, the main reason was due to the requirement for nitrate mitigation shortly after validation.

On the matter of the 5YHLS and the recent Ministerial Statement; Ms Stevens explained why the application had not been deferred (as had happened at the previous Committee meeting) and has been recommended to permit.

Following a vote, the Committee voted in favour of the report recommendation to **defer for S106 then permit**

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

**Members took a ten-minute break*

**Cllr McAra left the meeting at 11.40am*

49 **NM/21/03547/FUL - South Mundham Farm, South Mundham Road, South Mundham PO20 1LU**

Mr Thomas presented the report, he explained the application was for a varying of condition 1 and the removal of condition 26, from previously granted permission 19/00677/FUL.

Mr Thomas outlined the site location, drawing attention to the parking provision and site access. He highlighted the proposed amendments and confirmed there would be no increase in the physical size of the accommodation

The Committee were shown photographs of the work already undertaken onsite.

Representations were received from;

North Mundham Parish Council – Statement read by Mrs Fiona Baker

Officers responded to comments and questions as follows;

In response to concerns regarding light spillage; Mr Thomas confirmed there would be no additional roof lights installed as part of the application.

Following a vote, the Committee voted in favour of the report recommendation to **permit with S106**

Resolved; **permit with s106** subject to the conditions and informatives set out in the report.

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

Ms Stevens drew the Committee's attention to the Agenda Update Sheet which included a High Court Hearing update on the Bethwines Farm site.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

53 **Exclusion of the Press and Public**

Cllr Purnell proposed the Part II resolution in relation to agenda item 12. This was seconded by Cllr Brisbane.

In a vote the following resolution was agreed;
That in respect of agenda item 12 that the public including the press should be excluded from the meeting on the grounds of exemption in Schedule 12A to the Local Government Act 1972 namely paragraph 3 (information relating to the

financial or business affairs of any particular person (including the authority holding that information)) and because in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

54 **Planning Appeal Decision**

Ms Stevens introduced the item.

Ms Stevens answered questions from Committee members.

Following a vote, the Committee agreed to make the recommendation set out in 2.1 of the report.

Resolved; That the recommendation set out in 2.1 of the report be agreed.

The meeting ended at 12.34 pm

CHAIRMAN

Date: