



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 5 April 2023 at 9.30 am

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

Members not present: Mrs D Johnson

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Ms J Prichard (Senior Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Miss D Smith (Development Manager (Applications)), Mr P Thomson (Environmental Health Officer), Miss S Haigh (Planning Officer), Mr C Thomas (Senior Planning Officer), Mr S Shaw (West Sussex County Council Highways) and Mrs F Baker (Democratic Services Officer)

78 **Chairman's Announcements**

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

Apologies were received from Cllr Johnson

79 **Approval of Minutes**

Following a vote, the minutes of the meeting held on Wednesday 1 March 2023, were agreed as a true and accurate record.

80 **Urgent Items**

There were no urgent items.

81 **Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda Item 8 – WI/22/02637/FUL – as the Chichester District Council appointed member to the Chichester Harbour Conservancy
- Agenda Item 9 – WI/22/02876/FUL – as the Chichester District Council appointed member to the Chichester Harbour Conservancy

Mr Oakley declared a personal interest in;

- Agenda Item 5 – CC/22/01501/REM – as a Member of West Sussex County Council
- Agenda item 6 – NM/22/02679/FUL – as a Member of West Sussex County Council
- Agenda Item 7 – PS/21/02127/FUL – as a Member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – CC/22/01501/REM – as a Member of West Sussex County Council & Chichester City Council
- Agenda item 6 – NM/22/02679/FUL – as a Member of West Sussex County Council
- Agenda Item 7 – PS/21/02127/FUL – as a Member of West Sussex County Council

82 **CC/22/01501/REM - Graylingwell Hospital, College Lane, Chichester, West Sussex PO19 6PQ**

Mrs Prichard introduced the report and outlined the proposed development site which was located at the southern end of the Graylingwell development.

She explained the application was for the reserved matters for appearance, landscaping, scale, layout, and scale of a C2 care home. The care home would comprise 61 apartments, community facilities and parking; full details were set out within the report.

Mrs Prichard confirmed that West Sussex County Council had reviewed the proposed parking arrangements and had raised no objection.

The Committee were shown a series of artists impression of the proposed landscaping arrangements.

Mrs Prichard explained the elevations and highlighted the difference between the outline proposal and this reserved matter application.

Mrs Prichard informed the Committee that Condition 37 of the outline permission required the applicant to submit updated details on protected species such as bats and reptiles prior to commencement.

Representations were received from

Mrs Patricia O'Neill - Objector
Mr Gian Bendinelli – Agent

Officers responded to comments and questions as follows;

Mrs Prichard confirmed there would be three disabled bays allocated within the forty parking spaces provided.

Responding to concerns regarding the scale of the building; Mrs Prichard explained that under the parameter plans a scale of 3 – 3 ½ storeys had been agreed. With regards to the layout the outline masterplan had shown two separate buildings, this REM application joins the second building to the south.

Mrs Prichard informed the Committee that Surface Water Drainage was covered by Condition 17 of the outline application. In addition, Ms Bell confirmed that at this stage the flood risk and drainage strategy were in compliance with the approved outline application.

Officers acknowledged comments that the drainage scheme had been developed when there were two buildings, Ms Bell highlighted that the amount of hardstanding was similar to what had been proposed at the outline stage. However, should the scheme need amending this could be done via a non-material amendment as was done as part of the 9a development.

On the matter of parking provision for visitors; Mrs Prichard reminded the Committee that WSCC had reviewed the application and were satisfied with the proposals. WSCC guidance does not require a minimum or maximum number of spaces for a C2 scheme. Mrs Prichard highlighted that there were also a number of pay for parking car parks very close to the site which could be used if there was no space available.

On the matter of shift changes; Mrs Prichard informed the Committee there would be eight members of staff at any one time.

With regards to service vehicles accessing the site; Mrs Prichard told the Committee that from information provided these would be small scale transit van type vehicles, officers had no reason for concern.

Mrs Prichard informed the Committee that she was unaware of whether the applicant had undertaken any risk assessment regarding cricket balls being hit onto the site from the neighbouring cricket pitch.

With regards to the difference in levels and elevations; Mrs Prichard explained that officers had worked closely with the applicants to produce a development that was right for the area. There would be three types of material used to break up the scale of the elevation and the set back

Mrs Prichard confirmed there would be Sheffield stands included as part of the development. She highlighted where the proposed cycle storage would be located.

Mrs Prichard informed the Committee there were no designated parking spaces allocated for health care professionals. However, in recognition of the Committee's concern regarding car parking, she suggested that if the Committee were minded to support the application a condition could be added which would require the applicant to submit a management plan for the car park to ensure it meets the needs of the site.

Mrs Prichard confirmed there was a bus service operating within the Graylingwell site.

With regards to the trees on the western boundary; Mrs Prichard explained the trees were within a conservation area and could not be removed.

With regards to biodiversity net gain; Mrs Prichard drew the Committee's attention to Condition 9 (page 30) which required the applicant to submit a landscape management plan which could incorporate elements of biodiversity. Ms Bell explained the new formal arrangements for biodiversity net gain did not come into effect until November 2023, however, the applicant has used the site as best they could to enhance planting.

In response to landscaping concerns; Mrs Prichard explained the different elements of the landscaping plan which had been submitted as part of the application, including turf, tree plant and low-level hedge planting. Mrs Prichard agreed that officers would be happy to include the word design in condition 9 to read as follows; *'...until a landscape **design and management plan** ...'*

Responding to ongoing concerns regarding the parking provision; Mrs Stevens advised that the addition of a condition requesting a parking management plan would be the most appropriate way for the applicant to show how they were going to manage the parking arrangements.

Regarding the scale and landscaping of the development; Mrs Stevens acknowledged concerns raised, however, she reminded the Committee that the development was part of a much larger strategic site, which did have a number of green spaces and trees. There were also a range of elevations throughout the Graylingwell site, officers had worked closely with the applicant to ensure the proposed development would appear more subservient, through the use of proposed materials and the push back of the top elevation.

With regards to the provision of electric vehicle charging points; Ms Bell explained this would be addressed as part of the building regulations.

On the matter of solar panels; Ms Bell confirmed that these were included as part of condition 5.

Following the discussion Cllr Barrett proposed the application be deferred for a site visit and further information to address parking concerns (including comparisons with other similar sites); an updated surface water drainage plan and an update for condition 3 to include further brick detailing on the façade,

Cllr Oakley seconded the proposal.

Following a vote, the Committee supported Cllr Barrett's proposal to **defer** for a site visit and to provide further information on parking, surface water drainage and the brick work on the façade in condition 3.

Resolved; **Defer** for a site visit and to provide further information on parking, surface water drainage and the brick work on the façade in condition 3.

**Members took a ten-minute break*

**Cllr's Briscoe and Wilding left the meeting at 10.33 and were not present for the vote.*

83 **NM/22/02679/FUL - Leythorne Nursery, Vinnetrow Road, Runcton, West Sussex, PO20 1QD**

Ms Bell introduced the report. She drew the Committee's attention to the Agenda Update Sheet which included; the removal of objection from North Mundham Parish Council; two additional conditions regarding the travel plan and vehicular access and amendments to conditions 5, 7, 11 and 13.

Ms Bell also gave a verbal update informing the Committee of an amendment to condition 17, so that the following words (in bold) would now be included with the condition; *'In particular all structural mitigation listed in Table 2 of the Noise Management Plan must be **implemented prior to first occupation and maintained for the duration of the development**'*.

Ms Bell outlined the site location, which was located within the Runcton Horticultural Development Area (HAD). She highlighted the residential dwellings adjacent to the site, but not part of the application.

Ms Bell highlighted the access point off Vinnetrow Road, this access was also used by other developments within the HDA.

Ms Bell outlined the amendments to the loading and parking arrangements, which would be provided as part of the development. Parking provision would include both disabled and motorcycle bays, along with separate cycle storage for 22 bicycles.

The committee were shown the elevations and layout of the proposed extensions. Solar panels would be installed on the extensions.

Representations were received from

Mr Peter Zwinkels – Objector

Mr Richard Goodall – Agent

Officers responded to comments and questions as follows;

Responding to concerns regarding noise levels from the site; Mr Thomson detailed the noise assessment undertaken as part of the application process. He informed

the Committee that he had met with Mr Zwinkels and discussed his concerns. These issues had been considered by the applicant and addressed through the Noise Management Plan, submitted as part of the application.

He explained that the noise assessment had been done with chillers and trailers in operation to replicate a 'worse case' scenario. The assessment had been repeated in July (following discussion with Mr Zwinkels) when temperatures were much higher, and the chillers were required to operate at higher output. The Acoustic Consultant had been granted access to neighbouring properties to establish the level of background noise generated from the site.

Mr Thomson explained some of the noise mitigation measures proposed as part of the noise management plan, including the erection of a 4m high acoustic wall and a time restriction on vehicle operations within the site.

Ms Bell confirmed the noise management plan would be enforceable. She highlighted that condition 17 had been amended to ensure all physical features such as the acoustic fencing must be installed prior to the first occupation. Whilst the noise management plan included an annual review programme, condition 17 also offered the additional safeguard of a full review at any point at the request of the Local Planning Authority.

With regards to on site litter control; Ms Bell agreed this could be included within condition 3.

With regards to condition four; Ms Bell explained that condition four was a pre-commencement condition, which meant the agents agreement was required, but in principal officers would be happy to accept the following amendments to the condition (indicated in bold);

- *'...plus **40%** climate change...'* line seven, page 57
- *'...current site **and catchment** following...'* line eight, page 57
- *'...serving the existing **building site and catchment.**'* line 13, page 57

On the matter of surface water drainage; Ms Bell drew the Committee's attention to page 41 which detailed the drainage report and confirmed that the drainage officer was satisfied site would be able to adequately drain.

With regards to foul sewage; Ms Bell explained the number of staff on site would be decreasing so there would be no additional impact on the network from the development.

Responding to further concerns regarding the impact from noise; Mr Thomson explained the noise assessment considered three separate receptors; Willow Lake, Leythorne Cottages and Leythorne House. He confirmed the mitigation measures proposed was commensurate to the noise levels and a 4m fence was acceptable. In addition, Ms Bell highlighted on the site plan where the fences would be erected.

With regards to vehicular movement from the site; Mr Shaw informed the Committee that the applicant had completed a transport assessment, which included the routing

of vehicles, as part of the application. The assessment considered the movement between sites and was why vehicles exited in different directions, he advised that it would not be reasonable or appropriate to include any restrictions as there was no restriction currently in operation and the development did not significant increase movement to and from the site.

With regards to vehicles accessing the site from the south entrance; Ms Bell acknowledged the comments made regarding private vehicle use.

Resolved; **Permit**, subject to the conditions and informatives set out in the report and the additional conditions and amended conditions included within both the agenda update and verbal update.

**Members took a 35 minute break*

**Cllr Briscoe and Cllr Wilding returned at 12.09pm*

84 **PS/21/02127/FUL - Plot 1B Land At Sparrwood Farm, Shillinglee Road, Plaistow, West Sussex**

Miss Haigh introduced the report. She outlined the site location and highlighted the public rights of way which ran past the site. The Committee were shown a series of photos which showed the view of the site from the public bridleway.

Miss Haigh showed the proposed layout, including where the muck heap would be located.

There were no representations.

Officers responded to comments and questions as follows;

In responding to a question from Cllr Briscoe; Miss Haigh confirmed officers had considered the risk of run-off from the muck heap entering the drain situated at the northeast of the site. She explained the muck heap was located so that any runoff would flow away from the drain, in addition, condition 5 (p. 75) required a written method of waste disposal to be submitted prior to first use, to minimise any future risk.

With regards to any restrictions on the site; Miss Smith informed the Committee that she was unaware of any restrictions on the site. There had been a previous application refused on the grounds of visual harm, however, that had been for a much larger development, the application being considered was significantly smaller and the visual harm was minimal.

On the matter of Water Neutrality; Miss Haigh explained the site was water neutral. She confirmed that Natural England had been consulted and raised no objection.

Responding to a question from the Chairman; Miss Smith confirmed that there was evidence of equestrian use in neighbouring fields, however, she was unaware of any other fixed stables.

Following a vote, the Committee supported the report recommendation to **Permit**.

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

**Members took a five-minute break.*

85 **WI/22/02637/FUL - Martlet Cottage, Itchenor Road, West Itchenor**

Mr Thomas introduced the report. He drew the Committee's attention to the Agenda Update Sheet which included an additional representation from West Itchenor Parish removing their objection.

Mr Thomas outlined the site location and highlighted the public footpath which ran alongside the boundary.

Mr Thomas presented the proposed layout and elevations. He explained the development was designed to reflect the character and appearance of the main dwelling.

There were no representations.

Following a vote, the Committee supported the report recommendation to **Permit**.

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

86 **WI/22/02876/FUL - Martlet Cottage, Itchenor Road, West Itchenor**

Mr Thomas introduced the report. He drew the Committee's attention to the Agenda Update Sheet which included; a revised description and explanation that Condition 1 had been deleted as works had already commenced.

Mr Thomas outlined the site location and highlighted the public right of way which ran adjacent to the site. He explained the application sought amendments to the previously permitted boundary treatments along the north and west side of the property.

He explained the proposed amendments to the boundaries. The previously approved brick wall on the side boundary would now be clad in timber, and a retaining wall (at a height of 49cm) would be installed on the western boundary at the entrance to the property. A post and rail fence, along with a Hornbeam hedge would be planted behind the wall.

Mr Thomas showed the Committee photos of the site, which included the retaining wall as construction on this had already been completed.

Representations were received from

Mr Christopher Mead-Briggs – West Itchenor Parish Council Representative
Mr John Brown - Agent

Officers responded to comments and questions as follows;

On the matter of the wall; Mr Thomas explained that he was unaware of what had been in place previously but confirmed the wall was a retaining wall. In addition, Miss Smith assured the Committee that should the applicant wish to amend the wall in any way they would be required to submit a new application.

On the matter of what weight could be given to the West Itchenor Village Design Statement, Miss Smith advised that the Village Design Statement could be given some weight, but must be balanced against other relevant policies and material considerations

With regards to softening the appearance of the timber clad on the northern boundary; Mr Thomas explained this was not possible as the area adjacent to the boundary wall was outside the control of the applicant.

Following a vote, the Committee supported the report recommendation to **Permit**.

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

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

Cllr Potter commented that now the Appeal in Funtington Parish Council (18/00323/CONHI), West Stoke Farmhouse, had been withdrawn he hoped the hedges would now be cut back. Mrs Stevens agreed to follow the matter up with the Enforcement Team and would feedback outside the meeting.

Cllr Oakley noted with disappointment that the hearing for Land East of Farmfield Nurseries, Hunston had been adjourned.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

89 **Planning Appeal APP/L3815/W/20/3271433 - Land South East Of Tower View Nursery, West Ashling Road, Hambrook, Funtington, West Sussex**

Mr Mew introduced the report and explained APP/L3815/W/22/3313480 was an ongoing appeal.

Mr Mew outlined the appeal scheme which was currently awaiting determination by the Planning Inspectorate . Planning permission had been refused, contrary to officer recommendation, by the Planning Committee on 6 May 2020. The three reasons for refusal by the Committee were detailed within the report at paragraph 3.1.

Mr Mew explained that the main issue was whether the Council would continue to contest reason for refusal number two, which states;

'The proposal is located outside of any built up area boundary and is therefore within the open countryside and as such not well related to existing settlements with local services and facilities. The application is therefore contrary to Policy 36 of the Chichester Local Plan'.

The reason for bringing the appeal back to Committee was due to a recent appeal decision which is a material consideration which officers believe carries significant weight. Mr Mew informed the Committee that appeal decision was for APP/L3815/W/21/3268916 a gypsy and traveller application located less than 50m from the appeal site being considered.

Mr Mew concluded that considering this recent appeal decision it was officers' advice the Council no longer contests reason for refusal number.

Cllr Oakley commented that he believed the outcome for APP/L3815/W/21/3268916 highlighted how the Planning Inspector treated gypsy and traveller applications differently to other applications.

Following a vote, the Committee supported the report recommendation.

Resolved;

The Planning Committee;

- i) notes the information within the report, and**
- ii) agrees that the Council does not contest reason for refusal number two of appeal APP/L3815/W/22/3313480**

90 **DLUCH Technical Consultation: Stronger performance of local planning authorities supported through an increase in planning fees**

Mrs Stevens introduced the report. She explained the consultation was a technical consultation which was looking to strengthen the performance of local planning authorities through an increase in fees.

The consultation focused on the following three areas; planning fees, improving local planning capability and capacity, and local planning performance including how it could be measured. Mrs Stevens highlighted the following as the key headlines;

- Increasing planning fees by 35% for majors and 25% for others
- The introduction of new metrics to measure performance
- Proposed change in determining applications from 6 months for major applications and 16 weeks for all others.

Mrs Stevens invited members of the Committee to email any further comments which would be considered before the final response was submitted.

With regards to enforcement costs; Miss Golding explained that legislation did not allow for charges to be made regarding enforcement notices. Mrs Stevens agreed a comment could be included within the consultation response highlighting that the proposals do nothing to help support the cost of enforcement services.

With regards to Q19; Mrs Stevens agreed the response could be amended to 'no'.

With regards to Q20; Mrs Stevens agreed that a further comment could be included to highlight that the requirement to undertake an annual report would be a time-consuming exercise and not an efficient use of resources available.

Mrs Stevens agreed that variation in costs regionally could be included within the response to Q1 and Q2.

Mrs Stevens agreed to include a comment within Q15 highlighting the delay in response to applications from statutory consultees.

Following a vote, the Committee supported the report recommendation as amended.

Resolved;

That the Planning Committee consider and agree the attached responses, as amended to the consultation questions for submission in response to the government technical consultation 'Stronger performance of local planning authorities supported through an increase in planning fees

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

There were no late items.

92 **Exclusion of the Press and Public**

There were no part 2 items

The meeting ended at 2.37 pm

CHAIRMAN

Date: