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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 27 September 2023 at 10.30 am

**Members Present:** Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter and Ms S Quail

**Members not present:** Ms B Burkhart and Mrs S Sharp

**In attendance by invitation:**

**Officers present:** Mrs F Stevens (Divisional Manger for Planning), Miss N Golding (Principal Solicitor), Miss J Bell (Development Manager (Majors and Business)), Stephens (Development Manager (Applications)), Mr J Saunders (Development Manager (National Park)), Mr C Thomas (Senior Planning Officer), Cripps (Senior Planning Officer), Midlane-Ward (Assistant Planning Officer) and Ms J Thatcher (Senior Planning Officer, Majors and Business)

## 77 **Chairman's Announcements**

As the new Chairman (following a decision at Full Council on Tuesday 26 September) Cllr Todhunter welcomed all present to the meeting. He thanked the previous Chairman; Cllr Stephen Johnson for all his work during his time as Chair.

Cllr Todhunter read out the emergency evacuation procedure.

Apologies were received from Cllr's Burkhart and Sharp.

## 78 **Approval of Minutes**

For the minutes of Wednesday 12 July 2023 Cllr Todhunter requested the following amendment be made;

- Page 6, para 37; 'Following a vote, the Committee agreed to support the proposal by Cllr Briscoe' (Briscoe replacing Bates)

Following a vote, the minutes of the meeting held on Wednesday 12 July, including the agreed amendment were agreed as a true and accurate record.

For the minutes of Wednesday 16 August 2023 Cllr Bates requested the following addition to his proposal on page 21;

- 'Cllr Bates proposed a new recommendation to permit with the inclusion of a condition to manage the material being transported onto the site to raise levels **so as to ensure no toxic substances could pollute the harbour in case of flood.**

Following a vote, the minutes of the meeting held on Wednesday 16 August, including the additional text, were agreed as a true and accurate record.

Following a vote, the minutes of the meeting held on Wednesday 6 September were agreed as a true and accurate record.

## 79 **Urgent Items**

There were no urgent items.

## 80 **Declarations of Interests**

Cllr R Briscoe declared a personal interest in the following items;

- Agenda Item 5 - EWB/22/02214/FULEIA – as the Chichester District Council representative on the Portsmouth Water Forum
- Agenda Item 6 – EWB/2202235/OUTEIA – as the Chichester District Council representative on the Portsmouth Water Forum

Cllr D Johnson declared a personal interest in the following items;

- Agenda Item 5 – EWB/22/02214/FULEIA – as a member of West Sussex County Council and Selsey Town Council
- Agenda Item 6 – EWB/22/02235/OUTEIA – as a member of West Sussex County Council and Selsey Town Council

Cllr S Johnson declared a personal interest in the following items;

- Agenda Item 5 - EWB/22/02214/FULEIA – as the Chichester District Council representative on the Chichester Harbour Conservancy
- Agenda Item 6 - EWB/22/02214/OUTEIA – as the Chichester District Council representative on the Chichester Harbour Conservancy

Cllr Quail declare a personal interest in;

- Agenda Item 8 – CC/23/00950 – as a member of Chichester City Council

## 81 **EWB/22/02214/FULEIA - Land At Stubcroft Farm, Stubcroft Lane, East Wittering**

Miss Thatcher introduced the report and drew attention to the Agenda Update Sheet which included; an additional representation from WSCC Cllr Pieter Montyn; additional consultation responses from West Wittering Parish Council and West Sussex County Council Lead Local Flood Authority (WSCC LLFA); a revision to paragraphs 8.53 and 8.59; an additional response from Natural England and an amendment to recommendation for the reason for Refusal 1.

Miss Thatcher gave a verbal update informing the Committee of a correction on page 109; in the third reason for refusal the total of 16ha stated in the report was incorrect and was in fact 11ha.

Miss Thatcher outlined the site location and asked the Committee to note the separate outline location for sheltered accommodation which would be considered at Agenda Item 6.

The site was located outside the settlement boundary of East Wittering but did directly abound the boundary at the south. The proposed site was currently in crop and classed as Grade 2 Agricultural Land.

Miss Thatcher highlighted the proximity of other development sites including 'Sandpiper Way,' an outline permission for 70 dwellings which was recently allowed at appeal and the Hilton Park industrial park.

Miss Thatcher informed the Committee that 11ha in the northern part of the site had recently been designated as a Secondary Support Area for overwintering birds in the harbour of the Chichester and Langstone Harbours SPA and Ramsar site. She drew attention to the Agenda Update sheet and the additional comments received about the loss of habitat.

Miss Thatcher highlighted a small watercourse known as the Hale Farm ditch, which ran along the edge of the field before entering the sea at East Wittering. The majority of the site fell within Flood Zone 1 (low risk). However, the area of land around the Hale Farm Ditch did fall within flood zones 2 and 3. In addition, the Interim Strategic Flood Risk Assessment (SFRA) showed that the majority of the site was at high risk from future flooding (from tidal flooding taking into account climate change).

Miss Thatcher went through the proposal, which sought permission for 280 dwellings including 30% affordable housing. Full details of the proposal were set out in the report. Miss Thatcher showed the Committee the proposed layout and street scene.

Miss Thatcher detailed the reasons for refusal set out in the report including the amendment to reason 1.

Miss Thatcher explained that despite the Council not having a 5YHLS the tilted balance was not engaged due to flood risk and the unmitigated loss of Secondary Support Area for overwintering birds. Nonetheless, the benefits of the development did not outweigh the harms identified.

Representations were received from;  
Cllr Steve Debecker – West Wittering Parish Council  
Mr Carey Mackinnon – Objector  
Dr Carolyn Cobbold – Objector  
Ms Dawn Abbott – Agent  
Cllr Mark Chilton – CDC Ward Member  
Cllr Brian Reeves – East Wittering & Bracklesham Parish Council

Before opening the debate Cllr Todhunter reminded the Committee that a decision was due by 29 September 2023

Officers responded to comments and questions as follows;

Regarding the recent circular from National Highways; Ms Bell confirmed that officers were aware of the circular and were in discussions with National Highways and its impact on planning applications. However, the application being considered was over a year old and therefore the updates introduced by the circular did not apply and would not be a reason for refusal.

On the matter of floodzones; Mrs Waters, WSCC Lead Flood Manager, explained that the EA identified floodzones did not consider future flood risk, only present flood risk was considered, that is why an SFRA was undertaken.

With regards to the proposed storage; Mrs Waters informed the Committee that because there was missing data the applicant had underestimated the volume of storage that would be required on site.

Following a vote; the Planning Committee agreed to support the report recommendation to **refuse**, including the amendment to reason 1 as set out the Agenda Update Sheet.

Resolved; **refuse**, for the reasons set out in the report and the amendment to reason 1 set out in the Agenda Update Sheet.

82 **EWB/22/02235/OUTEIA - Land at Stubcroft Farm, Stubcroft Lane. East Wittering - REPORT TO FOLLOW**

Miss Thatcher introduced the report and drew attention to the Agenda Update Sheet which included; additional consultation responses from WSCC highways, WSCC LLFA; a revision to paragraph 8.51; an amendment to the recommendation for the first reason for refusal and the removal of reason five for refusal from the report.

Miss Thatcher informed the Committee the comments received from Natural England applied equally to both this application and the previous application.

Miss Thatcher outlined the site location and explained that the site shared the same access as proposed in the previous application. She informed the Committee that because the sites shared the same access officers had had to consider a scenario

where this application received approval, but application EWB/22/02214/FULEIA did not.

Miss Thatcher detailed the proposed site layout, highlighting the proposed areas of open space and garden area. The development would be located just to the south of proposed retail and community element.

Miss Thatcher reminded the Committee that the application being considered was an outline application with all matters reserved apart from access. This meant that layout, scale, appearance, and landscaping would all be considered as part of a reserved matters application, however the applicant had provided a Land Use Plan, which set out how the development would be delivered. The key features in the plan which would be carried forward in any reserved matter application were set out in paragraph 3.7 of the report.

Representations were received from;  
Cllr Brian Reeves – East Wittering & Bracklesham Parish Council  
Mr Carey Mackinnon – Objector  
Mr Peter Cleveland – Agent

Following the representations, Cllr D Johnson proposed that the Committee moved straight to the vote.

Cllr Cross seconded the proposal.

Following a vote; the Planning Committee agreed to support the report recommendation to **refuse**.

Resolved; **refuse**, for the reasons set out in the report.

83 **SI/23/00530/FUL - Cherry Tree Farm, Jury Lane, Sidlesham Common, PO20 7PY**

Mr Thomas introduced the report and drew attention to the Agenda Update Sheet which included; an amendment to the location plan and an amendment to the recommendation for the first reason for refusal.

Mr Thomas outlined the site location and highlighted the buildings that were currently in place, including the layout of the aviary cages.

Mr Thomas detailed the proposed layout and elevations of the composting toilet.

Mr Thomas informed the Committee that the keeping of the birds was not classed as agricultural and as such there was no demonstrable agricultural reason for the development.

Representations were received from;  
Mr Steven Craig – Applicant

Cllr Val Weller – CDC member  
Cllr Tracie Bangert – CDC member

Officers responded to comments and questions as follows;

With regards to any commercial activity onsite (currently or in the future); Mr Thomas confirmed that visitors did not enter the site to visit the owls they were taken off-site. He reminded the Committee that the application being considered did not seek any permission for on-site commercial activity.

With regards to the neighbouring property; Mr Thomas informed the Committee that this property was not associated with the application. He advised the Committee that if permission were granted it would set a precedent for the siting of mobile homes on adjacent land.

Responding to the agricultural need in looking after the sheep on site; Mr Thomas informed the Committee that the application had not been supported by an agricultural appraisal, therefore, no agricultural need had been demonstrated.

Mrs Stevens acknowledged the Committee's consideration and debate in allowing the application on a temporary basis. However, she advised that the justification for this would normally only be on a much larger agricultural holding, any decision made would also be a material consideration for future applications.

Following Mrs Stevens advice; Cllr Briscoe proposed that the application be deferred for further information including;

- An agricultural appraisal and;
- A viability assessment of the business.

Cllr Bates seconded the proposal.

Following a vote; the Planning Committee agreed to support the report recommendation to **defer for further information**, for the reason proposed by Cllr Briscoe.

Resolved; **defer for further information**; for the reasons proposed by Cllr Briscoe.

#### 84 **CC/23/00950/ADV - 3A Crane Street Chichester West Sussex PO19 1LH**

Mr Thomas introduced the report. He outlined the site location and explained that it was within the Primary Shopping frontage as identified within the Chichester Local Plan.

M Thomas explained that the building was locally listed but did have a modern shop front. He confirmed that there was no hanging sign proposed as part of the application; in addition, the sign would not be illuminated, and a condition was included within the report to restrict any future illumination. The sign was hand painted.

Mr Thomas informed the Committee that the application was retrospective.

There were no representations.

Officers responded to comments and questions as follows;

Responding to concerns that there was no street number visible on the shop front; Mr Thomas informed that Committee that this could be included as an additional condition.

Mr Thomas clarified the weight that could be applied to the Chichester District Council Shopfront and Advertisement Design Guidance.

Following a vote; the Planning Committee agreed to support the report recommendation to **permit**, including the additional condition to include the street number on the sign.

Resolved; **permit**, subject to the conditions and informatives set out in the report, and the additional condition to include the street number on the sign.

85 **SDNP/23/02112/FUL - Public Conveniences North Street, Midhurst, West Sussex. GU29 9DJ**

Miss Cripps introduced the report. She highlighted the site location and explained the application sought to convert a currently disused disabled WC into a changing places facility.

Miss Cripps detailed the proposed changes. The Committee were shown the proposed layout and floor plan.

There were no representations.

Officers responded to comments and questions as follows;

Regarding the date of the building; Miss Cripps informed the Committee that she believed the original building had been dates from the 1970's, however it was modified in 2006.

Responding to the question of including a condition to consider the overall design and aesthetic of the blocked-up door; Mr Saunders advised the Committee that this would be difficult to do, instead a sample panel of how the door would be blocked could be requested in advance so as to minimise any potential visual harm.

Following a vote; the Planning Committee agreed to support the report recommendation to **approve**.

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

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

There were no late items.

87 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.00 pm

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CHAIRMAN

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Date: