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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 8 November 2023 at 9.30 am

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

**Members not present:** Mr D Betts, Mr J Brookes-Harmer 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 Bushell (Principal Planning Officer), Miss S Haigh (Planning Officer), Mr M Mew (Principal Planning Officer), Miss K Taylor (Senior Planning Officer), Mr T Day (Environmental Coordinator), Mrs S Archer (Enforcement Manager), Mrs K Waters (WSCC Interim Flood Risk Manager) and Mrs F Baker (Democratic Services Officer)

## 99 **Chairman's Announcements**

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

Apologies were received from Cllr's Betts, Brookes-Harmer and Sharp.

## 100 **Approval of Minutes**

Following a vote, the minutes of the meeting held on Wednesday 27 September 2023 were agreed as true and accurate record.

Following a vote, The minutes of the meeting held on Wednesday 4 October 2023 were agreed as a true and accurate record.

## 101 **Urgent Items**

There were no urgent items.

## 102 **Declarations of Interests**

Cllr D Johnson declared a personal interest in;

- Agenda Item 5 – NM/22/02191/OUT – as a member of West Sussex County Council
- Agenda Item 6 – SI/22/02887/FUL – as a member of West Sussex County Council
- Agenda Item 7 – SY/23/01215/FUL – as a member of West Sussex County Council and Selsey Town Council
- Agenda Item 10 – BI/22/03026/FUL – as a member of West Sussex County Council and the WSCC appointed member to the Chichester Harbour Conservancy

Cllr S Johnson declared a personal interest in;

- Agenda Item 10 – BI/22/03026/FUL – as the Chichester District Council appointed member to the Chichester Harbour Conservancy

Cllr S Quail declared a personal interest in

- Agenda Item 9 – CC/23/00771/ADV – as a member of Chichester City Council

## 103 **NM/22/02191/OUT - Charmans Field, Marsh Lane, Runcton, West Sussex**

Mr Bushell introduced the report. He reminded the Committee that the application had been deferred by the Planning Committee at their meeting on 12 July 2023 for the following reasons (detailed in full on page 20 of the report pack);

- Foul drainage
- Surface water drainage
- Highways
- Education
- Lighting

Mr Bushell drew attention to paragraph 8.1 (page 48) of the report which explained that the application was a resubmission of an earlier proposal on the same site for 113 dwellings. He explained that the original application had been refused by the Council as at the time they could demonstrate a five year housing land supply (5YHLS). However, the Council were no longer able to demonstrate a 5YHLS which meant the tilted balance was now engaged in favour of allowing sustainable development.

Mr Bushell informed the Committee that since the original application the applicant had worked hard to address the areas of harm which had been identified previously, including a reduction in the number of dwellings.

Mr Bushell outlined the site location, he highlighted the neighbouring land which was in the control of the applicant and drew attention to other development sites within close proximity including Lowlands.

The Committee were shown an indicative parameter plan of the proposed layout, which included a large central open space and play area, landscaping and SuDs measures. The development would deliver 94 dwellings, no more than two storey in height, the proposed housing mix was detailed in the report on page 22.

Mr Bushell highlighted the proposed cycle and pedestrian improvements which would be delivered as part of the development.

Regarding earlier concerns about the impact of growing lighting from the adjoining Vitacress nursery. Mr Bushell informed the Committee that officers had sought advice from the Environmental Protection team who had considered the matter and proposed an additional condition which would ensure the design/layout of the development adequately mitigates any potential impact from the glasshouses.

Mr Bushell detailed the proposed access arrangements, which would include a number of improvements including the delivery of a cycle/pedestrian route identified as an aspiration in the North Mundham Neighbourhood Plan. Addressing the concerns raised by the Committee at the previous meeting Mr Bushell explained that West Sussex County Council had undertaken a site visit and were satisfied that the proposed mitigation measures were acceptable and raised no objection.

On the matter of school places, Mr Bushell informed the Committee that in their original calculation WSCC had included two significant pre application developments. They had since removed these figures, rerun their calculations and had now confirmed the local school did have capacity to accommodate any children from the proposed development.

Mr Bushell drew attention to the Agenda Update sheet which included; additional third party objections; additional supporting information from the agents and an amendment to the recommendation to include two additional conditions, 28 and 29.

Representations were received from;

Cllr David Maclean – North Mundham Parish Council  
Cllr Simon Oakley – WSCC Member  
Mr Jonathan Denby – Objector  
Mrs Jane Smith – Objector  
Mr Ian Chivers – Objector  
Mr Richard Boulter (Ford to Hunston Canal Society) – Supporter  
Ms Lisa Jackson – Agent

Before opening the debate, Cllr Todhunter read out a statement from Cllr Betts.

Officers responded to comments and questions as follows;

On the matter of planting along the eastern boundary; Mr Bushell agreed that whilst a reserved matter, the planting would include a mixture of evergreen and deciduous vegetation. In addition, the developers had stated that any trees planted would be a minimum of 4m in height.

Responding to concerns of 'skyglow' from the glasshouses; Mr Bushell explained what 'skyglow' was. The Institute of Lighting Professionals (IPL) did provide guidance, which had been considered by the Environmental Protection, on how it can be managed. Mr Bushell informed the Committee that the lights within the glasshouses were in operation from 4am – 4pm. He reminded the Committee that the layout was indicative and could be reconfigured in order to address any potential lighting impact which may be identified at the reserved matters stage.

In addition, Mr Bushell informed the Committee that the lights had been in operation since 2018 and there was no evidence (no complaints to Environmental Health) to suggest that they were having a negative impact.

On the matter of foul drainage; Mr Bushell acknowledged the concerns raised. However, he explained that the issues raised were existing issues and were the responsibility of Southern Water to resolve and not the applicants. As the statutory consultee Southern Water had raised no objection to the development.

Regarding highway contributions; Mr Bushell confirmed the developer had agreed to pay the higher contribution. In addition; WSCC as the highway authority had made no objection to the development.

Regarding education; Mr Bushell reiterated that WSCC as the Education Authority had confirmed the local school could accommodate any required school places from the development. He agreed that if the application was deferred then the situation could change.

On the matter of surface water; Ms Waters, Interim Flood Risk Manager, WSCC, explained that WSCC had reviewed the submitted supporting documents and flood risk assessment, and were satisfied with the proposals which would be secured through conditions. The calculations used were very precautionary and took into account climate change figures, they showed that the runoff from the site would be reduced once developed as the current discharge rates were higher and not managed. Any pooling on the site currently was most likely due to soil compaction and not being able to soak away.

Mr Bushell advised the Committee that if they chose to defer the application, there was no guarantee that the applicant would grant any extension of time. He explained the applicant had already agreed to an extension of time to allow the application to come back to Committee.

Following a vote, the Committee agreed to support the report recommendation to **defer for S106 then permit.**

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

104 **SI/22/02887/FUL - Land South Of Telephone Exchange, Selsey Road, Sidlesham, West Sussex**

Miss Haigh introduced the report. She outlined the site location, which was outside any settlement boundary, and drew attention to Muttons Farmhouse which was a grade II listed building to the south of the site.

Miss Haigh informed the Committee the application was retrospective. She showed the proposed layout and elevations of the proposed building which was ancillary to the business and would be used as storage.

Miss Haigh explained the adjoining land, which was in the applicant's control, benefitted from planning permissions for eight gypsy and traveller pitches, a stable block, and paddocks.

The following representations were received;

Cllr Val Weller – CDC Ward Member

Officers responded to comments and questions as follows;

Miss Haigh confirmed that the proposed storage barn was not a stable block, but acknowledged the design did mirror the appearance of one.

Regarding policy; Mrs Stevens clarified that previous permission for the gypsy and traveller pitches was granted having regard to the specific national Gypsy and Traveller Policy, this policy was not relevant to this application as this was a business use.

Having listened to the discussion Cllr Burton proposed that the Committee should permit the development, against officer recommendation.

Cllr Cross seconded the proposal.

Before moving to the vote Mrs Stevens advised the Committee, they may wish to consider what conditions they might wish to attach to the permission.

Miss Haigh advised the following conditions;

- A condition controlling the times between which the site can operate.
- A condition to remove a building which did not form part of the application.
- A condition to restrict the use of the site to caravan storage only and limit any stacking of materials.
- A condition for ecological enhancements including bird and bat boxes.
- A condition to control lighting on the site.

Cllr Burton confirmed she was happy to accept the conditions. Cllr Cross seconded the proposal with the attached conditions.

Following a vote, the Committee agreed **permit** the application, against officer recommendation.

Resolved; **permit**, subject to the proposed conditions.

105 **SY/23/01215/FUL - Public Conveniences, East Beach Road, Selsey, West Sussex, PO20 0SZ**

Mr Mew introduced the report. He drew attention to the Agenda Update Sheet which amended the applicant on the report to Chichester District Council.

Mr Mew highlighted the site location, which was located on the corner of Beach Road. He showed the Committee the proposed floor plan, highlighting the new disabled toilet layout and the relocation of the defibrillator.

Mr Mew explained there would be additional internal alterations, however, this work did not require planning permission.

There were no representations.

The Committee had no questions and were in full support of the application.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **permit** subject to the conditions and informatives included in the report.

106 **KD/22/02154/FUL - Foresters Arms,, Village Road Kirdford, West Sussex, RH14 0ND**

Mr Mew introduced the report. He informed the Committee that a separate Listed Building Consent application had been submitted and approved, as the objection from the Parish Council was in relation to water neutrality issues and therefore the Listed Building Consent application did not need to be determined by the Committee.

Mr Mew outlined the site location which was within both the Kirdford settlement boundary and conservation area. He highlighted the extent of the proposed rear extension.

The Committee were shown the proposed elevations and floorplan.

Representations were received from;

Cllr Tony Piedade – Kirdford Parish Council  
Mr Philip Russell - Supporter

Officers responded to comments and questions as follows;

On the matter of water neutrality; Mrs Stevens explained the importance of achieving water neutrality and referred to the guidance provided by Natural England. Natural England has reviewed the application and whilst they acknowledge that at certain peak times (when there is maximum occupancy) water neutrality may not be achieved, overall, they are satisfied that water neutrality will be achieved. Conditions have been attached to secure adequate mitigation.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **permit** subject to the conditions and informatives included in the report.

107 **CC/23/00771/ADV - 4 New Town, Chichester, West Sussex, PO19 1UG**

Mr Mew introduced the report. He outlined the site location which was within the Chichester Conservation Area.

Mr Mew showed the Committee the proposed sign. He explained that it was contrary to the Chichester District Council Shopfront and Advertisement Design Guidance, however, officers had considered this and were satisfied that the impact on the amenity was acceptable.

The building is unique and does not have a traditional shop front.

Representations were received from;

Mr Joseph Seaman – Applicant

Officers responded to comments and questions as follows;

Regarding the weight of the Shop Front Guidance; Mr Mew explained that the guidance note was a material consideration, however, it was only guidance and not policy. Officers had considered the impact of the proposed and considered that it was acceptable and did not cause any harm to the character of the area. Revisions had been sought during the course of the application following comments from the Council's Conservation and Design team.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **permit** subject to the conditions and informatives included in the report.

108 **BI/22/03026/FUL - Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ**

Miss Taylor introduced the report. She drew attention to the Agenda Update Sheet which included an additional consultation response from the Environment Agency.

Miss Taylor outlined the site location and highlighted the units A2 and D7. She explained the application had been submitted under Section 73 of the Town and Country Planning act, to amend condition 3 of planning permission 12/00475/FUL and sought to allow more flexible use of the units A2 and D7.

Miss Taylor drew attention to paragraph 8.18, page 176, which quoted a recent appeal decision from the Planning Inspector, which acknowledged that a more flexible approach could be granted on units A2 and D7.

Miss Taylor explained the current use permitted and detailed the new use classes which were being sought for both A2 and D7. She informed the Committee that the applicant had submitted evidence to show that adequate marketing had been undertaken for both units. The unit known as A2 had been vacant since April 2020 and the unit known as D7 had been vacant since February 2019.

Representations were received from;

Mr Andy Pearce – Agent  
Cllr Timothy Firmston – Birdham Parish Representative  
Cllr Elizabeth Hamilton – CDC Ward Member

Officers responded to comments and questions as follows;

Miss Bell clarified that there would be demolition as part of the application. The units were already built and in situ. All the application sought was to vary and extend the use of enterprise which could operate within the units known as A7 and D2.

Miss Bell confirmed that the units had been competitively marketed, she referred to the Planning Inspector comments within the report which acknowledged a wider use could be applied to both A7 and D2.

Responding to concerns that an unsuitable use may result; Ms Bell assured the Committee that officers had carefully considered what would and would not be suitable and restrictions would still be in place.

With regards to an additional condition being included that restricted either unit (A7 or D2) to being marketed for only marine use, within the first two months of the previous occupant vacating; Miss Bell agreed that a condition such as this could address the issue.

On the matter of taking a separate vote on A7 and D2; Ms Golding explained that this was not possible and advised the Committee that they must determine the application in front of them.



Regarding rental of the units; Mrs Stevens acknowledged concerns raised by the Committee, however, she explained that the Planning Committee had no role in private rental agreements.

Cllr Burton proposed that an additional condition be included restricting the applicant to marketing the units A7 and D2 for marine use only, for the first two months upon vacation of previous occupant.

Cllr Johnson seconded the proposal.

Following a vote, the Committee agreed to include the additional condition proposed by Cllr Burton.

Following a vote, the Committee agreed to support the report recommendation to **defer for S106 then permit.**

Resolved; defer for S106 then permit subject to the conditions and informatives included in the report and the additional condition as agreed.

#### 109 **The Local List - Information required to support a valid planning application**

Ms Bell introduced the report. She explained that following approval at the Planning Committee on 16 August 2023, a public consultation on the Local List was undertaken over a period of four weeks finishing on 12 October 2023.

The report summarised the responses received and proposed amendments to the Local List.

Miss Bell drew the Committees attention to the following amendments;

- Following feedback from Southern Water further clarification would be required for extraction licences and boreholes.
- Applicants would no longer be required to submit photographs as part of their application.
- Delegation be given to officers to allow updates to be made as and when policy changes are introduced, to ensure the List remains up to date.

Officers responded to comments and questions as follows;

Mrs Stevens explained that additions to the Local List could not be made at this stage as it had already been the consultation exercise.

Miss Bell clarified that the information applicants were required to submit in accordance with the Local List, was to validate an application not for determining one.

With regards to removal of the requirement for photo's; Mrs Stevens explained this requirement had been introduced during Covid when officers were unable to travel

to sites. It is officer opinion that the photo's are no longer required as they can travel to site. Applicants can still submit photos if they wish it will just no longer be a requirement.

On the matter of clarifying what a historical building is (page 236); Mrs Stevens agreed that this could be amended to state, 'Listed Building' instead of 'historic building'.

Following a vote, the Committee agreed to support the report recommendation at 2.1.

**Resolved;**

**That the Local List (set out in Appendix 1 to this report) as amended be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.**

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

The Committee agreed to note the item.

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

The Committee agreed to note the item.

**112 Schedule of Contraventions**

Mrs Archer presented the report and highlighted the reduction in officer caseload since the previous report, and the enforcement notices which had been issued.

The Committee thanked Mrs Archer and her team for the work they do.

Following a vote, the Committee agreed to note the item.

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

There were no late items.

**114 Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.54 pm

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CHAIRMAN

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Date:

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