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Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 December 2023 at 9.30 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, Ms B Burkhart, Mrs H Burton, Mr S Johnson, Mr H Potter and Ms S Quail

**Members not present:** Mrs D Johnson 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)), Miss D Smith (Development Manager (Applications)), Mr T Day (Environmental Strategy Manager), Mr C Thomas (Senior Planning Officer), Miss S Haigh (Planning Officer), Mr J Bushell (Principal Planning Officer) and Mr O Broadway (Principal Conservation and Design Officer)

## 124 **Chairman's Announcements**

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

Apologies were received from Cllr's D. Johnson and Sharp

## 125 **Approval of Minutes - MINUTES FROM 22 NOVEMBER TO FOLLOW**

Following a vote, the minutes of the meeting held on Wednesday 8 November 2023 were agreed as a true and accurate record.

The minutes of the meeting held on Wednesday 22 November 2023 will be agreed at the meeting on Wednesday 15 January 2024.

## 126 **Urgent Items**

The Chairman announced that he had agreed the following item would be considered as a late item at Agenda Item 14. He explained the reason for this was because the consultation date closed on 24 December 2023 which was before the next Committee.

## 127 **Declarations of Interests**

Cllr S Johnson declared a predetermination in Agenda Item 6 – SB/21/01910/OUT as he had already voted on the application as a Parish Councillor when Chidham and Hambrook had considered the item.

Cllr S Johnson declared a personal interest in;

- Agenda Item 5 - SB/22/01903/OUT – as the Chichester District Council (CDC) appointed member to the Chichester Harbour Conservancy
- Agenda Item 9 – BO/22/02446/FUL – as the CDC appointed member to the Chichester Harbour Conservancy
- Agenda Item 10 – AP/22/03196/FUL – as the CDC appointed member to the Chichester Harbour Conservancy

## 128 **SB/22/01903/OUT - Four Acre Nursery Cooks Lane Southbourne Emsworth West Sussex PO10 8LQ**

Miss Bell introduced the report. She drew attention to the additional Agenda Update Sheet which included an update from Department for Environment, Food, & Rural Affairs stating that Areas of Outstanding Natural Beauty (AONB) would now be known as National Landscapes (this update applied to all agenda items within the Chichester Harbour National Landscape).

The Agenda Update sheet also included an update to Agenda Item 6; however, Miss Bell informed the Committee that this update also applied to Agenda Item 5.

Miss Bell gave a verbal update to recommend an additional condition to secure hedgerow planting which would replace and strengthen the hedgerow that would be removed to create the access to the site.

Miss Bell outlined the site location, which was located within the Southbourne settlement boundary. She highlighted development sites within proximity including the North of Cooks Lane site which would deliver 194 housing units and drew attention to the boundary of the Chichester Harbour National Landscape.

Miss Bell informed the Committee that the development would deliver 12 affordable housing units equating to 30%. The breakdown of housing mix was set out in the report on page 26.

Miss Bell detailed the proposed access arrangements. The site would be accessed via a new access from Cooks Lane. She referred to the proposed condition (provided as a verbal update) which would strengthen and secure the existing hedgerow.

The development would deliver a new footpath creating a continuous link from Cooks Lane to Stein Road.

Miss Bell explained the weight of the Southbourne Neighbourhood Plan and, following its modification how it impacted on the proposed development. She informed the Committee that officers had sought legal advice to further understand the implications and ascertain whether the tilted balance in favour of sustainable was still engaged. Miss Bell confirmed that the tilted balance is engaged.

Representations were received from;

Cllr Jonathan Brown - Objector

Mrs Lynn Hicks – Objector

Ms Rebecca Fenn-Tripp – On Applicant's Behalf

Cllr Oona Hickson – CDC Member (statement read by Cllr Tracie Bangert)

Officers responded to comments and questions as follows;

Responding to concerns regarding the width of Cooks Lane; Mr Shaw acknowledged concerns raised. However, he assured the Committee that the width of the road (including to the west of the access) had been reviewed as part of the highway assessment and was adequate. He explained that as part of the transport assessment submitted by the applicant trip rates and routes had been considered, 67% were forecast to turn west and 33% east, the additional number of trips would not cause an unacceptable highway impact.

On the matter of the pumping station located near the proposed access; Miss Bell assured the Committee that it would not be impacted by the development.

Miss Bell clarified what a S278 agreement was.

Regarding flood risk; Miss Bell informed the Committee that WSCC as the Local Lead Flood Authority had reviewed the application, and recommended Condition 9 (page 50) be included as part of the permission to ensure any flood risk is adequately addressed and mitigated.

On the matter of nitrate mitigation; Miss Bell explained the mitigation proposals, these had been reviewed by Natural England who were satisfied. In addition, she confirmed there was an officer within the council who monitored all nitrate mitigations.

Regarding any potential glare from neighbouring glasshouses; Miss Bell confirmed that the glasshouses were still usable but was unaware of whether they were in use. She reminded the Committee that the application was only outline and layout could be altered at the reserved matters stage if any mitigation from glare was required.

Mrs Stevens clarified the planning policy position and why the tilted balance was engaged in favour of development.

Miss Bell agreed there was possibility to widen the Southbourne Neighbourhood Plan's 'Green Ring,' however, the number of dwellings proposed could not be reduced. The Committee must consider the application in front of them.

Mr Shaw explained there was no requirement for a dedicated cycle lane as part of the development.

Following a vote, the Committee refused to support the report recommendation.

Cllr Briscoe proposed the following recommendation;

**To defer for S106 then permit, including the proposed conditions and informatives set out in the report, including the condition given as a verbal update and to include a new condition for officers to negotiate an increase in the Green Ring.**

Cllr Burkhart seconded the proposal.

Following a vote, the Committee agreed to support Cllr Briscoe's proposal as detailed above.

Resolved; **defer for S106 then permit**, subject to the proposed conditions and informatives set out in the report, including the condition given as a verbal update and to include a new condition for officers to negotiate an increase in the Green Ring.

129 **CH/23/01910/OUT - Willowbrook Riding Centre, Hambrook Hill South, Hambrook, Chidham**

Having declared a predetermination Cllr S Johnson withdrew from the meeting.

Miss Bell introduced the report. She drew attention to the Agenda Update Sheet which included; an additional consultation comment regarding the Southbourne Neighbourhood Plan and Planning Policy.

Miss Bell reminded the Committee that the application had been deferred by the Planning Committee at their meeting on 4 October 2023 to allow for the publication of the Examiner's report for the Southbourne Modified Neighbourhood Plan. She explained the report had now been published and Cabinet at their meeting on 5 December had agreed it could now move to referendum.

Miss Bell informed the Committee that any new information which had come forward since the last Committee was printed in bold text throughout the report.

Miss Bell highlighted the site location and the proximity of other sites which had recently been allowed at appeal.

The Committee were shown the proposed parameter plan and illustrative layout, which would be secured through condition and legal agreement. Miss Bell drew

attention to the dark corridor and ecological enhancements; the open play area and proposed SUDS basin.

Miss Bell informed the Committee the development was expected to deliver a 44% net gain in biodiversity.

Miss Bell explained that the weight which could be afforded to the Southbourne Neighbourhood Plan, in particular policy SB13 Green infrastructure. However, as the Council could not demonstrate a 5YHLS the tilted balance was engaged in favour of development.

Representations were received from;

Cllr Amanda Tait (statement read by Cllr Tracie Bangert) – Southbourne Parish Council

Cllr Jane Towers – Chidham & Hambrook Parish Council

Cllr Andrew Kerry-Beddell – WSCC Member

Mr Andrew Sargent – Objector

Mr Paul Metcalfe – Objector

Cllr Jonathan Brown – Objector

Ms Faye Goodson – Applicant

Cllr Adrian Moss – CDC Member

Before opening the debate, the Chairman reminded the Committee that the application had been before the Committee four times and urged them to make a decision.

Officers responded to comments and questions as follows;

Regarding the consideration of protected species; Mr Day informed the Committee that the biodiversity net gain did not consider any protected species that may be on site.

Mr Day explained how the biodiversity net gain was calculated and why it was so high.

Miss Bell clarified that the pair of proposed semi-detached dwellings located within the Chidham and Hambrook Parish boundary would replace the single dwelling already in situ.

Regarding the accessibility from the site to services; Mr Shaw, acknowledge that most journeys would be car based, however, as had been tested at recent appeals the site was sustainable. In addition, Miss Bell informed the Committee that the distances to services were within the accepted range set out in the Chidham & Hambrook Neighbourhood Plan.

Responding to concerns of setting precedent by allowing development within the wildlife corridor: Mrs Stevens assured the Committee that no precedent would be set as each application is considered on its own merits.

On the matter of increasing the buffer zone between the development and the chalk stream; Miss Bell acknowledged the concerns regarding the chalk stream, however, she explained the developer had already reduced the number of houses to 63 and if they were to reduce the development area any further it would be unlikely that they could deliver the proposed number of housing units. The housing density within the proposed area was already 35/ha.

Following a vote, the Committee voted against the officer recommendation to defer for S106 then permit.

Cllr Briscoe proposed the Committee refuse the application for the following reason; that the application does not comply with Policy 13B of the Southbourne Neighbourhood Plan as it would not protect, maintain, or enhance the network.

Before moving to the vote, the Chairman used his discretion to allow a member of the public to address the Committee as they wished to raise a point of order. The Chairman invited Ms Golding to respond.

Ms Golding explained that by voting against the recommendation it did not mean that the Committee had not automatically refused the application, they needed to agree a new decision, which could be to refuse (and the reasons for that refusal), defer or add a new condition for example.

Following a vote, the Committee agreed to support Cllr Briscoe's recommendation to refuse, for the reason listed above.

Resolved; **refuse**, because the application does not comply with Policy 13B of the Southbourne Neighbourhood Plan as it would not protect, maintain, or enhance the network.

Before moving onto Agenda Item 7, the Chairman clarified the correct application number for Agenda Item 6 was SB/21/01910/OUT and not what was printed on the agenda frontsheet.

The Chairman invited Mrs Stevens to address the Committee. Mrs Stevens informed the Committee that if they agreed officers would add the following reason for refusal to the decision notice; a legal agreement had not yet been secured.

Following a vote, the Committee agreed to support the additional reason for refusal.

*\*Cllr S Johnson returned to the meeting at the conclusion of the item*

*\*Members took a five-minute break*

130 **CC/23/01214/FUL - Priory Park Public Conveniences, Priory Lane, Chichester, West Sussex, PO19 1LA**

Mr Thomas introduced the report.

Mr Thomas outlined the site location and highlighted the listed building close to the site.

The Committee were shown the proposed floorplan and elevations. Mr Thomas highlighted the proposed changes and drew attention to where the defibrillator and water fountain would be located.

There were no representations.

Officers responded to comments and questions as follows;

Regarding the height of the hedge outside, acknowledged the safety concerns of the Committee and agreed to pass this concern onto the Parks team who would be able to look at reducing and maintaining its height.

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

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

131 **BO/23/01216/FUL - Public Conveniences, Bosham Lane, Bosham, West Sussex, PO18 8HS**

Mr Thomas introduced the report.

Mr Thomas outlined the site location.

The Committee were shown the proposed floorplan and elevations. Mr Thomas explained the facility would provide a larger Disabled facility and larger cleaning cupboard.

There were no representations.

Officers responded to comments and questions as follows;

Regarding the provision of temporary toilet facilities during the building works; Miss Smith explained this did not form part of the decision-making process but would pass the request on.

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

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

*\*Members took a 45-minute break at the conclusion of this item*

*\*Cllr Brookes-Harmer left the meeting at the conclusion of this item*

132 **BO/22/02446/FUL - Land At The Old Cart Shed Hook Lane Bosham Chichester West Sussex PO18 8EX**

Mr Thomas introduced the report. He provided a verbal update on the additional supporting documentation provided by the applicants and drew attention to the Agenda Update Sheet which included additional representation from Chichester Harbour Conservancy; two additional third-party objection and additional comments from applicant/agent.

Mr Thomas outlined the site location which was within the Parish of Bosham and the Chichester Harbour National Landscape.

The Committee were shown the proposed elevations and floor plan, which included a timber sliding door.

Representations were received from;

Cllr Penny Plant – Bosham Parish Council  
Dr Richard Austin – Chichester Harbour Conservancy - Objector  
Mr Tavis Cannell – Objector  
Mr Alex Macdonald - Objector  
Mr Herman Spruit – Supporter  
Mr John Wells – Applicant  
Cllr Adrian Moss – CDC Member

Before opening the discussion, the Chairman invited Mr Thomas to explain why the application was not allowed through Permitted Development. Mr Thomas explained the barn did not qualify for Permitted Development as as it would have been necessary to attach a condition requiring a construction method statement to ensure that there would be no negative impact caused during construction, and there is no facility to apply conditions to a Prior Approval application.

Officers responded to comments and questions as follows;

Regarding the use of other barns in the applicant's ownership; Mr Thomas explained these were occupied in long term tenancy agreements. He confirmed there were some unauthorised structures on the farm, and these were being investigated by the Enforcement Team.

Mr Thomas clarified the applicants land which amounted to around 100ha in total, including an 'in-land' block of 89ha and a 'foreshore' block of 26ha.

Regarding the future use of the building; Mr Thomas assured the Committee that any future change of use would require a separate planning application.

Having listened to the discussion Cllr Bates proposed the application be deferred for a site visit.



Cllr Cross seconded the proposal.

Following a vote, the Committee agreed to support the recommendation by Cllr Bates to defer for a site visit.

Resolved; **defer for a site visit to view the site in its context.**

133 **AP/22/03196/FUL - Apuldram House, Dell Quay Road, Dell Quay, Appledram, West Sussex, PO20 7EE**

Miss Haigh introduced the report. She outlined the application site which was located within the Chichester Harbour National Landscape.

Miss Haigh explained the application was for a replacement dwelling, the current dwelling was deemed to be a non-designated heritage asset.

The Committee were shown the proposed layout and elevations. Miss Haigh informed the Committee that the proposal was considered to be of high design and provided a building that would be better suited to the conservation area and Chichester Harbour National Landscape.

A replacement garage would also be delivered as part of the application, the Committee were shown the proposed elevations and layout.

Representations were received from;

Mrs O'Sullivan – Applicant  
Cllr Adrian Moss – CDC Member

Officers responded to comments and questions as follows;

Officers acknowledged concern that a Temple Moore designed building would be demolished, but for the reasons set out within the report, on balance, the loss of the building was outweighed by the enhancement that would result from the proposed development.

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

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

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

The Committee agreed to note the item.

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

The Committee agreed to note the item.

136 **Planning Appeal APP/L3815/W/23/3332866 - REPORT TO FOLLOW**

Mr Bushell introduced the report and drew the Committee's attention to Section 3 which set out the background to the application and why officers were seeking permission to contest the appeal.

Mr Bushell outlined the site location which was located within the Shopwhyke Lakes site. He highlighted the proximity of the site to the 'Longacre House' development, the Cala homes development site, and a nursing home.

Mr Bushell explained that the proposed development of 87 units would be in addition to the 585 dwellings which were permitted across the Shopwhyke Lake site.

The Committee were shown the proposed site layout and elevations which included 87 housing units, 85 car parking spaces, electric vehicle charging points and 87 cycle bays. Access to the site was already established via Longacre Way.

Mr Bushell highlighted the proposed landscaping, however, there was no onsite play space provided as development, the developer was relying on this provision being provided elsewhere.

Mr Bushell drew the Committee's attention to the Agenda Update sheet which included a further consultee comment from financial viability consultants Dixon Searle Partnership; and amendments to reasons 1 and 2 for contesting the appeal following the advice from Dixon Searle.

The following representations were received;

Cllr Simon Oakley – WSCC Member  
Mr Benjamin Hunt – Objector  
Mr Simon Ible – Applicant

Officers responded to comments and questions as follows;

Responding to concerns regarding the proposed parking provision; Mr Bushell drew attention to paragraph 10.6 of the report which detailed the parking arrangements within the surrounding area and the consideration given to the amenity of future occupiers. There were provisions already in place to try and prevent 'fly parking' including double yellow lines, therefore it would be hard to contest the appeal on the grounds of highway safety or amenity. In addition, Mr Shaw explained the applicant had undertaken a bespoke assessment (at the request of WSCC) to better understand parking future parking requirements from the development. Through the

forecasting the worst case scenario was a parking requirement for 90 vehicles which would result in an overspill of five vehicles at peak times.

Regarding affordable housing; Mr Bushell explained that following the viability testing undertaken by Dixon Searle, it would be difficult to substantiate defending an appeal on the grounds on no affordable housing provision as the profit level for the development is below what would normally be expected from a development of this scale and fall below the requirement for affordable housing delivery.

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

Resolved; **That the Planning Committee:**

- i) Notes the information within the report.**
- ii) Agrees to contest the appeal APP/L3815/W/23/3332866, in respect of the following matters;**
  - a. Design, mass, bulk layout, appearance and over development of the proposed built form relative to its immediate and wider site context at Shopwhyke Lakes and the provision of insufficient open space and no equipped play space as required by the Planning Obligations and Affordable Housing SPD.**
  - b. Lack of infrastructure provision secured through a S.106 Agreement in respect of recreation disturbance mitigation, public open space including equipped play area, A27 highway improvements contribution, Travel Plan.**
  - c. Lack of financial contribution of the scale envisaged in draft Policy T1 of the Local Plan 2021- 2039: Proposed Submission to enable the Council to secure identified A27 improvements.**

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

As announced by the Chairman' the following item was considered, Public Consultation: Climate Change and Historic Building Adaptation Historic England Advice Note.

Mr Broadway introduced the report. He explained the new guidance note had been produced to address the issue of Climate Change and Historic Building Adaptation and provide advice to local planning authorities.

Mr Broadway highlighted the more flexible approach to the installation of double glazing within historic buildings.

Mr Broadway informed the Committee that Cllr Cross had contacted officers ahead of the meeting to propose the following sentence be included within the response to section 83, point 4, which officers were happy to accept;

'The installation of slim-profile glazing will require listed building consent, unless they are replacing panes in modern windows.

**In modern extensions to listed buildings (*post 2000 for example*), there is no requirement to have listed building consent for the replacing of slim-profile glazing panes.'**

Regarding the installation of triple glazing, Mr Broadway explained that this could be considered if it was appropriate for the building in question.

With regards to the installation of UPVC windows, Mr Broadway confirmed that this was not looked upon favourably for a number of reasons; it had only a short life span with a high carbon cost. However, each application would be considered on its own merit.

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

**Resolved; The Planning Committee note the contents of the Public Consultation; Climate Change and Historic Building Adaptation Historic England Advance Note, and to comment on and endorse the proposed response as amended to the consultation (Appendix 1)**

138 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 3.23 pm

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CHAIRMAN

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Date: