



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 17 April 2024 at 9.30 am

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

Members not present: Mr R Bates, Mrs H Burton 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)), Mr D Cranmer (Senior Planning Officer), Miss D Smith (Development Manager (Applications)), Mr M Mew (Principal Planning Officer), Mr C Thomas (Senior Planning Officer), Ms F Divey (Planning Officer), Mrs C Cranmer (Senior Planning Officer), Ms K Rollings (Economic Development Officer) and Mrs F Baker (Democratic Services Officer)

207 **Chairman's Announcements**

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

He explained Agenda Item 14 had been withdrawn from the Agenda to allow for further investigation and consideration of drainage matters.

Apologies were received from Cllr's Bates, Burton & Sharp

208 **Approval of Minutes**

Following a vote, the minutes of the meeting held on Wednesday 7 February 2024 were agreed as a true and accurate record.

In reference to minute item 186, Cllr Cross had raised the issue of outstanding appeals with the SDNP and circulated the response to members of the Planning Committee.

Following a vote, the minutes of the meeting held on Wednesday 6 March 2024 were agreed as a true and accurate record.

Following a vote, the minutes of the meeting held on Wednesday 27 March 2024 were agreed as a true and accurate record.

209 **Urgent Items**

There were no urgent items.

210 **Declarations of Interests**

There were no declarations of interest.

211 **BI/23/00067/FUL - Russells Garden Centre Main Road Birdham West Sussex PO20 7BY**

Mr Cranmer introduced the item. He drew attention to the Agenda Update Sheet and explained there was an error and the updates listed for Item 6 were actually for item 5, they included additional responses from the CDC Tree Officer and WSCC Local Highway Authority.

Mrs Rollings, Economic Development Officer was also in attendance.

Mr Cranmer outlined the site location and informed the Committee it was an established brownfield site. He highlighted the site's proximity to the Chichester AONB.

Mr Cranmer showed the proposed layout of the site which included 14 new dwellings and one replacement commercial building with 26 parking spaces. It was anticipated the new commercial unit would provide 7FTE's which was the same as currently provided through its current use.

Mr Cranmer detailed the proposed housing mix which would include, four affordable housing units and two bungalows.

Mr Cranmer explained the current drainage channel which ran along the side of the site would be culverted in order to provide a footpath from the site to the bus stop. He highlighted the existing footpath which ran from the site to Pipers Mead.

The following representations were received;
Cllr Susan Taylor – Birdham Parish Council
Mr Paul White – Agent
Cllr Elizabeth Hamilton – CDC Councillor
Cllr Iain Ballantyne – CDC Councillor

Officers responded to comments and questions as follows;

Mr Cranmer clarified the sites proximity to the settlement boundary, which was approximately 60 – 80m away.

Responding to concerns regarding the proposed culverting of the existing ditch; Mr Cranmer confirmed West Sussex County Council as the Lead Local Flood Authority had been consulted. They had specifically been asked to consider whether the culverted ditch would be able to accommodate the same levels as the open ditch, in

response they had confirmed they were satisfied with the proposal and were content that it was a positive drainage solution. In addition, the application the amount of current hard standing and it was located outside the tidal flood risk zone.

On the matter of the road safety audit; Mr Cranmer explained it was standard practice that the secondary road safety audit would not be completed until after permission had been granted for a development. It would be secured as part of the legal agreement.

Regarding the validity of the Viability Report; Mr Cranmer confirmed the report had been submitted by the applicant as part of the application. He acknowledged that there was a conflict of interest, however, the report had been reviewed by the Economic Development team. Mrs Rollings confirmed that following the review officers agreed that what was stated in the report tallied with the research undertaken by the Economic Development team.

Mrs Rollings informed the Committee, that if a suitable alternative was not agreed for the site, there was concern that it would become a derelict location.

Responding to comments over sustainability of the site; Ms Bell reminded the Committee that the issue of sustainability on the Manhood was one which had been argued at appeal a lot. It was an argument which had never been upheld and therefore caution should be given to refusing the application on grounds of sustainability, particularly as the site was a brownfield site. Ms Bell explained it was a Government priority to redevelop brownfield sites.

Regarding the current café; Mrs Rollings acknowledged the Café was a big draw for the current Garden Centre, however, it was operated by an outside agency who had informed the Economic Development team that due to cost they would be unlikely to continue operating at the site.

Mr Cranmer explained the current café could only operate as part of the Garden Centre; he explained why a future 'independent' café would not be suitable at the site.

On the issue of what future commercial uses might be; Mrs Rollings informed the Committee that the Economic Development team got lots of enquiries for workshop and medical space such as physiotherapists.

On the matter of the solar panels; Mr Cranmer agreed the condition could be amended to ensure the solar panels installed were matt black.

On the matter of ecology; Mr Cranmer drew the Committee's attention to Condition 20 of the report.

Cllr Briscoe proposed the application be deferred for a site visit.

Cllr Burkhart seconded the proposal.

Following a vote, the Committee voted to reject the proposal.

Resolved; defer for a site visit not carried.

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 detailed in the report.

212 **CC/23/02561/ADV - 13A Oving Road Chichester West Sussex PO19 7EG**

Mr Mew introduced the item. He outlined the site location, which was within the Chichester Settlement boundary.

Mr Mew showed the proposed advertising display and informed the Committee it had been amended during the application process to remove the projected sign and illumination.

There were no representations.

Officers responded to comments and questions as follows;

On the matter of what was displayed on the sign; Mr Mew reminded the Committee that they could only consider amenity and public safety, not what was to be displayed.

Mr Mew confirmed the Chichester District Shop Front Guidance had been considered as part of the application and was detailed in the report.

Mr Mew explained the balustrade had been considered as part of a separate application which had been approved through delegation.

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

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

213 **FU/23/01845/FUL - Land to the West of Newells Farm Newells Lane West Ashling West Sussex**

Mr Thomas introduced the item. Before presenting the individual item, Mr Thomas presented an overview of the site and identified where each of the individual applications were located within the site.

A site visit by the Committee had been undertaken on 15 April 2024.

Mr Thomas outlined the overall site, which was an established Gypsy and Traveller Site located within designated countryside. He highlighted its proximity to West

Ashling, Southbourne and Chidham and Hambrook; and neighbouring Gypsy and Traveller sites.

Mr Thomas highlighted the high pressure gas pipe which ran under the site and confirmed officers had consulted with HSE on the applications and no objections had been raised.

Mr Thomas showed the overall layout of applications which in total would provide 12 caravans in 11 new pitches.

Mr Thomas explained agenda items 7, 8, 9 and 10 had been considered at appeal in 2023. The Planning Inspector had found in favour of on the grounds of planning balance, however, they did consider the development would lead to significant harm to the Chichester AONB from nitrates, therefore the appeal was dismissed. The issue of nitrate mitigation has now been resolved.

Mr Thomas showed the proposed layout and elevations of FU/23/01845/FUL. He informed the Committee that the proposed materials were to condition which would need to be signed off before development could commence.

The following representations were received;
Cllr Jane Mottershead – Funtington Parish Council
Dr Angus Murdoch – Agent

Officers responded to comments and questions as follows;

Regarding unauthorised development on the site; Mr Thomas confirmed this was currently being investigated by the Planning Enforcement team.

Responding to concerns regarding the future delivery and compliance of what was being proposed; Mr Thomas explained Condition 1 had been amended to address this potential issue, in accordance with the condition the permitted development must have commenced within six months from the date of permission granted, this was instead of the standard three years.

Mr Thomas confirmed the applicants were local.

Responding to objections that West Ashling was a service village; Mr Thomas acknowledged the comments made; however, he informed the Committee this question had been considered in great detail by the Planning Inspectorate at the 2021 appeal on a neighbouring site. The Planning Inspector found the site was sustainable but recognise there were only moderate amenities at the site.

Responding to concerns of surface water drainage; Mr Thomas informed the Committee the Drainage Engineer had been consulted and raised no objection subject to conditions being applied.

Regarding harm to the landscape and character of the area; Mr Thomas informed the Committee this had been tested at appeal and dismissed. Any harm caused through this development could be mitigated through landscaping.

On the matter of dominance; Mr Thomas explained the definition and assured the Committee that officers had given much consideration to the issue of dominance, however, it had been tested at appeal and dismissed.

On the matter of protecting established hedgerows; Mr Thomas explained the hedgerow along the road was not within the ownership of the applicant. All applications being considered had proposed conditions that required applicants to submit details of boundary treatments.

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

Resolved; **defer for S106 permit**, subject to the conditions and informatives detailed in the report.

214 **FU/23/02463/FUL - Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex**

Mr Thomas introduced the item. He drew attention to the Agenda Update Sheet which included a revised proposed site plan.

Mr Thomas outlined the site location and highlighted the proposed turning circle to allow large vehicles (fire appliances) to safely access the site.

Mr Thomas showed the proposed elevations and layout of the dayroom and detailed the access arrangements.

The following representations were received;
Cllr Jane Mottershead – Funtington Parish Council

Officers responded to comments and questions as follows;

Responding to what the difference was between this site and the site at Wisborough Green referenced by the Parish Council in their response; Mr Thomas informed the Committee officers had looked at the appeal decision (p.144, paragraph 8.19) and explained, the material difference between the sites was the application being considered was on an established site, whereas the Wisborough Green site would have been a new site.

Responding to concerns of community tension and the council appointment of a Gypsy & Traveller Community Liaison Officer; Mrs Stevens acknowledged comments made, but explained the decision to employ a Liaison Officer was not a result of the applications being considered by the Committee. Sussex Police had made no comment regarding community tensions in the area; therefore, it was not a material consideration.

Mrs Stevens reminded the Committee that the application being considered had failed at appeal, but only on the grounds on not providing nitrate mitigation. The issue of nitrate mitigation had now been resolved, therefore it would be hard for officers to defend refusal on the site, when reasons such as harm to the surrounding area and the sustainability of the location had already been tested and dismissed at appeal.

Responding to whether Condition 1 could be further shortened from 6 months to 3 months; Mr Thomas advised 6 months was the most reasonable time frame, as a number of conditions required details to be submitted and signed off by officers.

Responding to concerns of who would occupy the site; Mr Thomas confirmed occupation was restricted by through Condition 3 (p.155) in line with Planning Policy for Traveller Sites. He explained that it would not be reasonable to apply a condition that required an occupant to provide evidence before they occupied the site. If reports were made that occupants were not Gypsy and Travellers then Planning Enforcement could investigate and the onus would be on the occupant to prove they are.

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

Resolved; **defer for S106 permit**, subject to the conditions and informatives detailed in the report.

215 **FU/23/02460/FUL - Old Allotment Site Newells Lane West Ashling West Sussex PO18 8DD**

Mr Thomas introduced the item. He outlined the site location, layout, and elevations.

Mr Thomas highlighted the proposed buffer site for the high-pressure gas pipe.

The following representations were received;
Cllr Jane Mottershead – Funtington Parish Council

Officers responded to comments and questions as follows;

Mr Thomas informed the Committee that a vehicle turning circle was not required on the site as the access was less than 20m from the road.

On the matter of vacant pitches; Mr Thomas acknowledged the comments made. He explained the subject of vacant pitches had been considered by the Monks Hill appeal, however, the Planning Inspector did not give the issue much weight as the considered the pitches were not realistically available.

On the matter of boundary fencing; Mr Thomas explained it would be unreasonable to be too descriptive, the application had conditions attached which would require the applicant to submit details regarding the proposed boundary arrangements and elevations.

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

Resolved; **defer for S106 permit**, subject to the conditions and informatives detailed in the report.

216 **FU/23/02464/FUL - Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex**

Mr Thomas introduced the item.

He outlined the site location, proposed layout, and elevations.

There were no representations.

The Committee had no questions or comments.

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

Resolved; **defer for S106 permit**, subject to the conditions and informatives detailed in the report.

217 **FU/23/02575/FUL - Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex**

Mr Thomas introduced the item.

He outlined the site location and proposed layout.

There were no representations.

The Committee had no questions or comments.

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

Resolved; **defer for S106 permit**, subject to the conditions and informatives detailed in the report.

218 **FU/23/02640/FUL - Field West Of Beachlands Nursery, Newells Lane, West Ashling, West Sussex**

Mr Thomas introduced the item.

He outlined the pitch location within the site and showed the proposed layout, elevations, and access arrangements.

There were no representations.

Officers responded to comments and questions as follows;

Regarding the difference in density on the proposed site; Mr Thomas acknowledged comments made, however, he reminded the Committee that the future use of the site was not a material consideration.

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

Resolved; **defer for S106 permit**, subject to the conditions and informatives detailed in the report.

219 **FU/23/02603/FUL - Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex**

Mr Thomas introduced the item. He explained the difference between the approved permission on the pitch and the proposed application.

He outlined the pitch location and the proposed layout of the dayroom.

There were no representations.

Officers responded to comments and questions as follows;

Responding to the layout of the site and whether pitches could be better identified, for example 1, Field West of Beachlands; Miss Smith explained it was the responsibility of the landowners as to how the pitch was registered and not something within the control of the Planning Authority.

Regarding the overall site capacity; Miss Smith informed the Committee there was no prescribed number within Planning Policy which would determine when a site might reach capacity. She explained many factors were considered when an application was submitted, with each application considered on a case-by-case basis. She acknowledged the Parish Council's frustration but could not offer them a final figure regarding the capacity of the site.

Responding to the request that Condition 1 be amended from 3 years to 6 months; Mr Thomas explained it would not be reasonable to apply such a condition, the application was being made on a lawful site and there was no justification to request completion within a shorter time period.

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

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

220 **WE/23/02921/FUL - Land East Of Rownberts Woodmancote Lane
Woodmancote Emsworth Hampshire PO10 8RD**

As announced by the Chairman and detailed on the Agenda Update Sheet the item was withdrawn from the Agenda to allow for further investigation and consideration of drainage matters.

221 **Response to Government 'An accelerated planning system'**

Mrs Stevens introduced the report and explained the purpose of the consultation.

The proposed responses were detailed in Appendix 1 of the report.

Mrs Stevens drew the Committees attention to the Agenda Update sheet which set out an amended response to question 5a.

Officers responded to comments and questions as follows;

Mrs Stevens agreed to incorporate the suggestion that responses from statutory consultees should be mandatory, and the period of response should begin once all statutory consultees have responded.

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

Resolved; **The Planning Committee consider and agree the attached responses to the consultations questions for submissions in response to the government 'An accelerated planning system'.**

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

The Committee agreed to note the item.

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

Mrs Stevens drew attention to the Agenda Update Sheet which included the appeal decision for SDNP/22/03527/FUL.

The Committee agreed to note the item.

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

There were no late items.

225 **Exclusion of the Press and Public**

There were no part 2 items.

The meeting ended at 12.37 pm

CHAIRMAN

Date: