



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 November 2024 at 9.30 am

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

Members not present:

In attendance by invitation:

Officers present: Mrs F Stevens (Divisional Manger for Planning), Miss N Golding (Principal Solicitor), Miss D Smith (Development Manager (Applications)), Miss J Bell (Development Manager (Majors and Business)), Mr J Bushell (Principal Planning Officer), Mr M Mew (Principal Planning Officer), Miss A Snook (Planning Officer), Miss S Haigh (Planning Officer), Mr A George (Principal Planning Officer Enforcement), Miss E Kierans (Planning Officer), Ms F Divey (Planning Officer), Mr J Kenny (Archaeology Officer) and Mrs F Baker (Democratic Services Officer)

309 **Chairman's Announcements**

Due to a technical fault, there was a 15-minute delay to the start of the meeting.

The Chairman apologised for the delay to the start of the meeting. He welcomed all present to the meeting and read out the emergency evacuation procedures.

The Chairman informed the Committee that Agenda Item 9 – SY/24/01415/FUL – 124 High Street, Selsey, Chichester, West Sussex, PO20 0QE; had been withdrawn from the Agenda.

310 **Approval of Minutes**

Following a vote, the minutes of the meeting held on Wednesday 2 October 2024 were agreed as a true and accurate record.

311 **Urgent Items**

There were no urgent items.

312 Declarations of Interests

Cllr Quail declared a prejudicial interest in Agenda Item 6 (CC/24/01317/FUL – Chichester Arts Centre, Chichester, West Sussex, PO19 3DQ)

313 NM/21/02878/OUT - Land North Of Laroche, Post Office Lane, North Mundham, West Sussex

Miss Snook presented the report. She drew attention to the Agenda Update sheet which included an additional pre commencement condition regarding the clearance of the ditches and front of culvert from excessive vegetation. Miss Snook explained the ongoing maintenance of the features would be covered by conditions 11 and 13.

Miss Snook gave a verbal update regarding the condition numbers. She explained there were two conditions numbered 14 in the report, these were not duplicate conditions and the conditions from 14 onwards would be renumbered to prevent any future confusion.

Miss Snook outlined the application site, which abutted the settlement boundary of North Mundham. She highlighted the surrounding features including Laroche, Post Office Lane (which would provide the site access), Hermitage Close, Orchard Croft and a public right of way.

Miss Snook drew attention to the ditches which ran through the site, she explained how the ditches converged at the middle of the site before tracking east. The flood risk for the site was very low, submitted plans had been assessed by the Council's Emergency Planner and Lead Local Flood Authority (LLFA) who raised no objection.

Miss Snook showed the illustrative layout of the proposed development and detailed the proposed housing mix (full details of which were set out in the report p.11). She highlighted the buffer zone along the ditch which would allow access for future maintenance.

Miss Snook detailed the proposed access arrangements.

Representations were received from;
Mrs Louise Chater – North Mundham Parish Council
Mr Dale Mayhew – Agent

Officers responded to comments and questions as follows;

Miss Snook clarified where the settlement boundary of North Mundham was in relation to the proposed site. In addition, Ms Bell explained how settlement

boundaries were set and when they could be updated. She advised how the Planning Committee must consider settlement boundaries as part of the Planning Balance.

Regarding the foul water connection request to Southern Water; Ms Bell explained how it was standard practice for developers to submit the connection request once permission was granted. Officers do undertake a capacity check and consult Southern Water to ensure the development was acceptable in principle.

Regarding the future maintenance of the ditches on site; Ms Bell explained the future maintenance would remain with the landowner (the applicant) as part of their riparian responsibility. With regards to the ditch to the east of the site officers are unsure who owns this, but the riparian responsibilities remain. Ms Bell informed the Committee that the applicant had already done some initial clearance on the ditches. She drew their attention to conditions 11 and 13 which addressed the future management and maintenance of the ditches.

Addressing the issue of large vehicles accessing the site; Ms Bell confirmed that both officers and West Sussex County Council (WSSCC) Highways had reviewed the evidence and were satisfied that the appropriate tracking had been completed and could accommodate a refuse vehicle (including wing mirrors).

Regarding the distance between the site and neighbouring properties; Ms Bell confirmed there was around 11/12m between the site and its nearest neighbour's boundary. She advised that at this stage the distance was not a relevant consideration as it would be addressed as part of Reserved Matters, however, was relevant for members to consider whether the proposed 19 houses could be adequately accommodated on the site.

Regarding the suitable vehicular access over the bridge; Ms Bell informed the Committee the applicant did own both parcels of land. The bridge was within the application site, further details would be considered as part of an REM application.

Addressing concerns over the sustainability of the site and its access to services; Ms Bell clarified how officers assessed the cumulative impact of development within an area. She confirmed the sites taken into consideration when assessing the current application were Charmans Fields and the two sites at Lowlands. Ms Bell informed the Committee that officers had consulted with WSSCC Education, who had confirmed there enough school places to accommodate the development.

Regarding Condition 9; Ms Bell agreed officers would reword the condition to ensure officers are aware of the details going to Pagham and the condition is implemented before occupation.

On the matter of Water Voles on site; Ms Bell drew the Committee's attention to page 53 of the report, which detailed the ecological assessment requiring a 6m buffer zone around the ditch to be maintained in perpetuity. However, to address concerns she advised Condition 13 would be amended to include the requirement for an ecologist to be onsite when maintenance works are undertaken.

Addressing concerns of flooding; Mrs Stevens reminded the Committee that Coastal Partners the drainage engineers had been working with the applicant to resolve historic issues. She explained the proposed development was not required to stop current flooding issues; however, it should not exacerbate it.

Mrs Stevens acknowledge the concerns raised regarding the cumulative impact; however, she reminded the Committee they must consider the application in front of them, and there was no reason from technical advisors to substantiate a refusal on the site.

Following a vote, the Committee agreed to support the report recommendation to **defer for section 106 then permit**, including the condition set out on the Agenda Update, the verbal amendments to conditions 9 and 13 and renumbering of conditions from 14 onwards.

Resolved; **Defer for section 106 then permit**, subject to the conditions and informatives set out in the report, including the condition set out on the Agenda Update, the verbal amendments to conditions 9 and 13 and renumbering of conditions from 14 onwards.

**Members took a five-minute break*

314 **CC/24/01317/FUL - Chichester Art Centre, Chichester, West Sussex, PO19 3DQ**

Having declared a prejudicial interest in the item Cllr Quail withdrew from the room for the duration of the item.

Mr Mew presented the report. He explained the application sought to vary conditions 6 and 9 of planning permission CC/21/02511/FUL, it did not seek to vary the use.

Mr Mew outlined the site location, which was located within the Chichester Conservation Area.

Mr Mew detailed the variations sought and explained why condition 6 would become condition 5, and why condition 9 would become condition 8.

Mr Mew drew the Committees attention to the difference between the operating hours of the Dance School and the venue as a community centre.

Mr Mew showed which doors were proposed to be shut and which would be open.

Representations were received from;

Mr Vaughan Lowe – Objector

Mrs Sandy Kellagher – Objector

Mrs Bridget Hicks (Westgate Amenity Group) – Objector

Mrs Rosemary Lee (Rosemary Bell Dance Academy) – Supporter

Mr Simon Taylor - Supporter

Mr Ian Jackson – Applicant

Cllr Clare Apel – CDC Member

Before opening the debate, the Chairman invited Mr Mew to clarify what the Committee were being asked to decide. Mr Mew drew their attention to paragraph 3.1 of the report (p.70) which set out what exactly the Committee were being asked to consider. He acknowledged the references made by speakers to parties being held at the venue, however, he reminded the Committee this was already allowed under the existing permission, and it was not within their scope to revisit decisions already made nor to impose additional restrictions.

Mr Mew also drew attention to paragraph 3.5 which detailed amendments received during the application. Officers had undertaken additional consultation following the submitted amendments. As set out in paragraph 6.1 Chichester City Council had withdrawn their objection.

Regarding third party objections Mr Mew informed the Committee that there had originally been 92 letters of objection, since it had been readvertised the local planning authority had received ten comments.

Officers responded to comments and questions as follows;

Regarding the playing of music and the level at which it is played; Mr Mew confirmed that the original permission set out that no amplified music should be played at any time other than inside the building. He explained a condition to control the level of music could only be applied if it related to either the extension of the Dance School Hours or the closures of doors, Environmental Health officers had been consulted on what was proposed and requested no additional controls.

Regarding recent events held at the venue; Mr Mew explained the licensing process and the issuing of Temporary Events Notice. He acknowledged concerns raised and confirmed both Planning Officers and Environmental Health Officer had consulted with the applicant to address concerns and investigate complaints.

Responding to the question of whether a condition could be included to amend the opening of doors; Mr Mew confirmed it could.

Having listened to the debate; Mrs Stevens clarified what the lawful use of the site was. She reminded the Committee they could not revisit what had already been permitted and must determine the application on the planning merits of the proposal. As no concerns had been raised by the Environmental Health team there were no reasonable grounds on which to refuse the application.

Responding to the question of whether it was possible to exclude alcohol from events on site; Mr Mew explained that this was not possible and was not within the scope of the planning permission being sought.

Having listened to the debate and taking advice from officers; Cllr Burton proposed the following amendment to condition 8; that external doors are closed from 8pm.

Cllr Bates seconded the proposal.

Following a vote, the Committee agreed to support the Cllr Burton's recommendation.

Following a vote, the Committee agreed to support the report recommendation with the agreed amendment to condition 8 to **permit**.

Resolved; **Permit including the amendment to condition 8**, subject to the conditions and informatives set out in the report.

**Members took a ten-minute break.*

**Cllr Quail rejoined the Committee at the conclusion of the item*

315 **CC/23/02116/FUL - Land At Havenstoke Close, Bishop Otter Campus, College Lane, Chichester, PO19 6RR**

Mr Bushell presented the report. He drew attention to the Agenda Update sheet which included; an additional consultee comment from Active Travel England, who raise no objection and a statement from Cllr Brown.

Mr Bushell outlined the site location, highlighting its proximity to the main university campus. He explained what was currently on the site and showed how the site linked to the campus.

The Planning Committee undertook a site visit on Monday 4 November.

Mr Bushell showed the proposed layout. The development would be comprised of five buildings, four of which would be four storeys in height (approximately 14m), with Block A being two ½ storey in height. Mr Bushell highlighted some of the proposed features, including solar panels on the roof, a green planted roof and two disabled parking bays. He explained the development was car free.

Mr Bushell detailed the proposed internal layouts of the buildings. He drew attention to paragraph 3.5 (page 91) of the report which detailed the accommodation provision in each building. A social space would be provided in Block C; an enclosed courtyard would be included to allow for student interaction and a new street would be created to link with the existing footpath to the University.

Mr Bushell explained the heritage context of the site as it was a key consideration for this application. Whilst the site was not within the conservation area it did abut the Chichester Conservation Area to the west and the Graylingwell Conservation Area to the north and east. The Chichester Entrenchment Scheduled Ancient Monument also ran alongside and partially through the site to the east, with Block E running partially alongside the dyke.

Mr Bushell detailed the proposed drainage arrangements. He explained the absence of winter ground monitoring meant the development was not able to demonstrate that the proposed SUDS scheme would be effective. Regarding foul drainage, Mr Bushell explained the proposal failed to demonstrate that there would be no

increase in the net flows to the Apuldram Wastewater Works. The nitrate mitigation strategy required as part of the Habitats Regulation Assessment (HRA) had also not been secured.

In conclusion, Mr Bushell explained the reasons why the application was recommended for refusal.

Representations were received from;

Mr Peter Harris – Objector

Mrs Claire Grenfell (The Residents of Keepers Green & Martins Farm) – Objector

Mr Richard Plowman – Supporter

Mr James Granger – Applicant

Officers responded to comments and questions as follows;

On the matter of whether the development would be economically viable without Block E; Mr Bushell informed the Committee that a justification statement had been received from the applicant for having Block E in the proposed location and the amount of accommodation. Other sites both on and off campus had been considered, including the Hammond site, which had a previous planning permission for student accommodation and was located within the main University campus. However, this would result in the loss of 22 apartments although there would be a net gain of 66. Therefore, whilst there may be other solutions onsite, they had not been put forward.

Regarding surface water flooding; Mr Bushell explained the proposed mitigation scheme had not been submitted with the required winter ground monitoring records so there was no evidence to demonstrate that the proposed infiltration system would be effective, and this was a query outstanding from the Local Lead Flood Authority (LLFA) who were objecting to the proposals.

Mr Bushell informed the Committee how the University might reduce the overall foul drainage flows from the campus. He explained the University had recently undertaken improvement works on their campus, sealing existing pipes to prevent groundwater and rainwater from entering the network. Other on campus solutions to reduce of site flows may include retrofitting, water saving, shower, tap and WC facilities but without the full package of information it was not possible substantiate what the impact of this mitigation would be.

Responding to Cllr Betts's proposal to defer; Mrs Stevens questioned what the proposal would seek to achieve, she explained officers had worked incredibly hard to try and address the outstanding issues. In principle officers did support the university and were very aware of its importance in the City, however, for the application being considered they were unable to resolve the outstanding issues.

Mr Bushell confirmed the block paving proposed would be porous to assist with the infiltration to ground or rainwater.

Having listened to the debate, Mrs Stevens advised the Committee it would not be reasonable to include parking as a reason refusal. The scale, size, mass, and design of development was more subjective).

Following a vote, the Committee agreed to support the reports recommendation to **refuse**.

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

**Members took a 30-minute break*

**Cllr Brookes-Harmer left the meeting at 1pm*

316 **CC/24/00702/LBC - 5 & 6 Theatre Lane Chichester West Sussex PO19 1SR**

Mr Mew presented the report. He explained that the reason the application was being determined by Committee was because Chichester District Council were the applicant.

Mr Mew outlined the site location and presented the proposed alterations.

There were no representations.

There were no comments or questions.

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

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

317 **SY/24/01415/FUL - 124 High Street Selsey Chichester West Sussex PO20 0QE**

As announced by the Chairman under Agenda Item 1, Agenda Item 9 had been withdrawn.

318 **SB/23/02209/FUL - Land North and East 127 Main Road Southbourne -
REPORT TO FOLLOW**

Miss Haigh presented the report.

Miss Haigh outlined the site location which was adjacent to the Hermitage Settlement boundary. The site would be accessed from Penny Lane.

Miss Haigh presented the proposed; site layout, floor plans and elevations. She highlighted the proposed variations between the two plots.

Miss Haigh informed the Committee there was an error in the agenda report, the red line did not include the land with the visibility splays, however, the application documents on the public planning portal were correct.

Representations were received from;
Mr Jeremy Davies – Objector
Dr Nicholas Minter – Objector
Mr Paul White – Agent

Officers responded to comments and questions as follows;

On the matter of water voles; Miss Haigh confirmed the ecology team had been consulted and commented, however, the water course was outside the application site which prevented any mechanisms to control impact outside the site. The Tree Protection zone which was conditioned as part of the application would prevent heavy machinery from accessing the area around it and therefore help mitigate any impact to water voles. She confirmed there were no water voles onsite.

On the matter of landscaping; Miss Haigh confirmed there was a full landscaping condition included as part of the recommendation.

The Chairman used his discretion to allow Cllr Amanda Tait of Southbourne Parish Council to speak.

Regarding the suitability of the access for large vehicles; Miss Haigh acknowledged the concerns raised and agreed the access was narrow. However, WSCC Highways had raised no objection to the development.

Addressing concerns over construction vehicles accessing the site; Miss Haigh explained there was a Construction Management Plan condition attached to the recommendation, which would allow officers to oversee vehicle movements on site and ensure there was adequate parking and space for vehicle movement.

On the matter of nitrate mitigation; Miss Haigh confirmed the nitrate mitigation would be provided through the scheme at Drokes Farm. She was not able to confirm how many mitigation credits were left at the site, however, it was monitored to ensure there was no double selling.

Addressing concerns of overlooking; Miss Haigh explained officers considered that given the separation distance and proposed level of the windows, there would be no harm caused.

Regarding the Southbourne Neighbourhood Plan policy 1; Miss Haigh acknowledged there was some conflict with the policy, however, the site was adjacent to the settlement and was why the IPS had been applied.

Mrs Stevens clarified the difference between an informative and condition.

Regarding the previous appeal at the site; Mrs Stevens explained that due to recent developments in the area, officers now considered it as acceptable.

Having listened to the debate and taken officer advise; Cllr Burton proposed the application be refused for the following reasons;

1. The Council can demonstrate a four-year housing supply; the development is outside the settlement boundary; there is no overriding justification or benefit from the development and therefore is contrary to SB1 and SB3 of the Southbourne Neighbourhood Plan.
2. The development constitutes overdevelopment of the site.
3. The S106 had not been secured for the drainage solution, visibility splays, A27, nitrate mitigation and recreational disturbance.

Cllr Briscoe seconded the proposal.

Following a vote, the Committee agreed to support the report recommendation to **refuse**, against the officer recommendation.

Resolved; **refuse**, for the reasons set out above.

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

Mrs Stevens introduced the report. She highlighted the number of recent appeal decisions which had been dismissed by the Planning Inspector.

The Committee noted the report.

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

Mrs Stevens introduced the report.

The Committee noted the report.

321 **Schedule of Contraventions**

Mr George introduced the report. He highlighted the downward trend in the number of current cases.

Responding to Member's questions Mr George confirmed the Planning Enforcement team were fully resourced.

Mr George believed the timeframe for responding to low priority enforcement breaches was ten days, however, he would confirm this outside the meeting.

The Committee agreed to note the report.

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

There were no late items.

323 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.36 pm

CHAIRMAN

Date: