**­­­­­Draft** minutes of the Planning Committee meeting held on Thursday 29 September 2022 at 7:30pm

**Present:** Cllr B Garrett Cllr R Gowlett Cllr S Johnson Cllr M Savory Cllr J Towers (Chair)

**In attendance:** Clerk & RFO

**Members of public:** Mr C Gallagher and Mr M McBride

*Meeting opened at 7:30pm*

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| 23-013 | **Apologies for absence**  Apologies had been received from Cllr S Bramwell Smith and District Cllrs A Moss, P Plant and D Rodgers. |
| 23-014 | **Declarations of Disclosable Pecuniary Interests**  None |
| 23-015 | **Notes of the last meeting**  **RESOLVED:**  That the minutes of the last meeting of the Planning Committee held on 18 August 2021 be agreed as a correct record and signed by the Chair. |
| 23-016 | **Public Open Forum**  Dr Gallagher spoke about the planning application in respect of Title Barn. His comments were subsequently reviewed under the agenda item.  Mr M McBride spoke about the permitted Certificate of Lawful Use or Development (ELD) for planning application 21/01859/ELD which had been granted planning permission on 25 July 2022. Chichester Harbour Conservancy had not supported this application.  Mr McBride had written to CDC Planning Officers on 17 August challenging the planning decision, giving his reasons and stating, in his view, that CDC had not followed due process in deciding this application. He was advised by the Planning Officer that a response would be forthcoming by early September. However, he had not received a response and had followed up his request two weeks ago. To date there had been no response. He requested the Parish Council to try and push for a response from CDC on his behalf.  He stated that residents of Chidham and the Harbour in general were very concerned by the decision to permit this ELD. In their view the applicants had been granted about three times the amount of land that had historically been used by the gardener as a vegetable garden. He stated that in his view the land was grossly overstated and that the decision notice should be amended to reflect reality.  The Parish Council agreed that a letter be sent to the CDC Planning Officers and the Planning Solicitor informing them of the Council’s support for this case. **Action: Clerk to circulate letter for approval** |
| 23-017 | **Planning Applications** |
| 23-017.1 | [SB/21/01910/OUT](https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QUUPZ1ERJO200)  Willowbrook Riding Centre Hambrook Hill South Hambrook Chidham PO18 8UJ - Outline planning permission with all matters reserved (except for access) for the demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 no. custom/self-build plots, parking, landscaping and associated works.  Committee members has visited the site and spoken to the owner and developer. An objection had been worked on and this had been circulated to committee members for discussion. A final version was presented to the committee. The application had been red-carded. It was noted that both a District Councillor and the Parish Council had written to Natural England to request clarity on why they had changed their objection.  The Chair would speak to the Southbourne Planning Committee Chair to understand what objection they were going to be putting in.  The Clerk would write to the District Council regarding the number of objectors allowed to to speak on this application if it goes to committee. **Action: Clerk**  **RESOLVED:** That the Council object to this planning application as detailed in attached Appendix 1 and request the District Council to consider Natural England’s response before taking a decision on this application. |
| 23-017.2 | [CH/22/01600/DOM](https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?keyVal=RDU1ARERHX200&activeTab=summary)  Willington, 56 Maybush Drive, Nutbourne, West Sussex, PO18 8SS - Demolition of existing single storey section of building including garage, bathroom and kitchen. Erection of new single storey extension and conversion of loft into habitable space.  **RESOLVED**: That the Committee had no objection to this planning application but would support the Harbour Conservancy’s response. |
| 23-017.3 | [CH/22/02215/DOM](https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH9I58ERKMW00)  Chris and Sue Gallagher Tithe Barn Cot Lane Chidham West Sussex - External alterations to former cartshed south store and kitchen and to existing east window and door screens. New windows to cartshed west wall. New rooflight to link roof. Solar panels to garden shed roof. Internal alterations to cartshed to west wall, to existing south stair and to kitchen and bathroom.  The committee was fully supportive of this planning application.  **RESOLVED**: That the Committee had no objection to this planning application. |
| 23-017.4 | [CH/22/02216/LBC](https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH9I5AERKMX00)  Chris and Sue Gallagher Tithe Barn Cot Lane Chidham West Sussex - External alterations to former cartshed south store and kitchen and to existing east window and door screens. New windows to cartshed west wall. New rooflight to link roof. Solar panels to garden shed roof. Internal alterations to cartshed to west wall, to existing south stair and to kitchen and bathroom.  The committee was fully supportive of this planning application.  **RESOLVED**: That the Committee had no objection to this planning application. |
| 23-017.5 | [CH/22/02165/DOM](https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?keyVal=RH08SUERKE600&activeTab=summary)  Mr R Yeld, Manor Cottage, Cot Lane, Chidham, West Sussex PO18 8SU - Garden office and workshop.  **RESOLVED**: That the Committee had no objection to this planning application and no comment to make. |
| 23-017.6 | [CH/22/02273/FUL](https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?keyVal=RHS0UQERL0H00&activeTab=summary)  Orchard Farm, Caravan And Camping Site, Drift Lane, Chidham, West Sussex, PO18 8PP (see previous application CH/21/02303/OUT) - Demolition of existing 1 no. workshop and creation of 1 no. workshop to north of site access.  There was confusion that the owner didn’t want the workshop but has subsequently put in an application for a workshop. It was noted that there had been no decision made on the 21/02303/OUT application for 9 houses.  **RESOLVED**: That the Committee had no objection to this planning application and no comment to make. |
| 23-018 | **Planning Decisions** |
| 23-018.1 | [CH/21/02873/FUL](https://publicaccess.chichester.gov.uk/online%20applications/applicationDetails.do?activeTab=summary&keyVal=R03LO2ER0PD00)  Ms Sandra James The Granary Barn Steels Lane Chidham West Sussex - Retrospective application to regularise the restoration and change of use of granary building to provide holiday accommodation and associated works.  PERMIT WITH S106 |
| 23-018.2 | [CH/22/00846/DOM](https://publicaccess.chichester.gov.uk/online%20applications/applicationDetails.do?activeTab=summary&keyVal=R9K45CERMTR00)  Mr Neil Davies Freshfield Cottage Main Road Nutbourne West Sussex PO18 8RN - Ground floor extension to west elevation. Raised roof with conversion of loft space to create habitable accommodation, including balcony and 5 no. roof lights.  PERMIT |
| 23-018.3 | [CH/22/01240/DOM](https://publicaccess.chichester.gov.uk/online%20applications/applicationDetails.do?activeTab=summary&keyVal=RBRUEFER12Q0)  Mr Steve Parker 10 Shepherds Close Hambrook Chidham Chichester West Sussex PO18 8FD - Garage conversion, internal alterations and single storey rear extension.  PERMIT |
| 23-018.4 | [CH/22/00026/FUL](https://publicaccess.chichester.gov.uk/online%20applications/applicationDetails.do?activeTab=summary&keyVal=R5CDDPER10R00)  Mrs Bambi Jones Chidham and Hambrook Parish Council - Hawthorne Meadow Broad Road Hambrook Chidham West Sussex PO18 8RG  Installation of circular footpath and picnic area with benches on Hawthorne Meadow.  PERMIT |
| 23-019 | **Planning Appeals** |
| 23-019.1 | **20/03378/OUT** IN PROGRESS **-** Land At Flat Farm Hambrook West Sussex PO18 8FT - Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.  Case Officer: Andrew Robbins  Informal hearings ADJOURNED till September - No response from CDC on whether the approved time period had passed and whether this appeal had been cancelled. |
| 23-019.2 | **20/03320/OUTEIA** IN PROGRESS - Land East of Broad Road Broad Rd Nutbourne - Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.  Case Officer: Jane Thatcher  Public Inquiry: 4-20 January 2023 |
| 23-019.3 | **20/03321/OUTEIA** IN PROGRESS - Land North of A259 Flat Farm Main Road Chidham West Sussex - Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.  Case Officer: Jane Thatcher  Public Inquiry: 4-20 January 2023 - The Chair advised that she would write to CDC Officers Ms J Thatcher, Ms J Bell and Ms N Martin to find out about the venue, the timescales and whether a pre-meeting would be held. **Action: Cllr J Towers** |
| 23-019.4 | **20/01854/OUT** COMPLETE - Chas Wood Nurseries Main Road Bosham PO18 8PN - Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).  Case Officer: Jo Prichard  Informal Hearings held 21 September at 10:00am Chichester City Council - Representation from the Parish Council submitted 17 August 2022. Cllr S Johnson had attended the hearing with District Cllr A Moss and gave an update on the process. |
| 23-020 | **Planning Enforcement -** Long Acres – consider this again in March 2023. |
| 23-021 | **Report**  The Parish Council had written to Mr T Whitty and Mr A Frost, CDC Planning Officers, to advise that the planning dates on the portal were incorrect and how this confuses local people. We did get written explanations from Ms J Bell and Ms F Stephens, but these were not clear. It was decided to ask the District Councillors to lead on this, or in the future to ask a question at CDC Full Council. **Action: District Councillors**  Cala Homes had written to the Chair whilst she was on holiday suggesting a date for a meeting and circulating a plan with dates of development. **Action: Chair to circulate to Planning Committee and request a meeting date from Cala Homes after 11 October 2022.** |
| 23-022 | **Any Other Business**  None |
| 23-023 | **Date of Next Meeting**  The next Planning Committee meeting will take place on Thursday 20 October 2022 at 7:30pm at Chidham Village Hall. |

The meeting closed at 8:58pm

Signed by:

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Signed: Chairman Date:

**APPENDIX 1**

**CH/21/01910/OUT - Willowbrook Riding Centre Hambrook Hill South Hambrook Chidham PO18 8UJ**

Outline planning permission with all matters reserved (except for access) for the demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 no. custom/self-build plots, parking, landscaping and associated works.

**Chidham and Hambrook Parish Council’s response to this planning application**  
The Parish Council wrote in objection to this planning application on 10 January 2022, 5 October 2021 and 20 August 2021. These objections and comments are maintained. In the light of changes made by the developer we comment as follows.

**An Outline application**  
This is an outline application, so the key issues are whether or not the development is acceptable in principle. In this case the protection of the Ham Brook as a protected and rare chalk stream and the wider environment is essential. The other key question is ‘Is this a sustainable location for development?’ Is this development acceptable in principle?   
The Ham Brook is a protected chalk stream, so the first question is ‘Will the development harm the Ham Brook?’  
  
**The Ham Brook** is a rare and protected chalk stream.  
Natural England have changed their stance to ‘No objection, subject to suitable mitigation.’  
We think Natural England have made this change on the basis of inadequate information:  
The development would potentially damage the ecology of the Ham Brook, and have an unacceptably adverse effect on the integrity of Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC) and Singleton and Cocking Tunnels SAC.  
The two major causes of this misjudgement are  
1) The information on bats, especially rare bats, provided by the appellant was inadequate and understated the true level of activity. This is not a small difference but an order of magnitude.  
2) Natural England has not taken into account the discharges of untreated waste water into Chichester Harbour which are the result of a shortage of waste water treatment capacity, and inadequate and wrongly aligned sewer sizes in the area along with occasional heavy rain storms.  
While Natural England has been able to calculate the measures necessary to mitigate the excess Nitrogen and Phosphate arising from the new development it is not able to calculate the effect of, and may be unaware of, the untreated waste water that is discharged directly into ditches and streams that feed into the harbour. This additional pollution arises for a combination of storm overflow and the relative sizes of the sewers downstream from the development site where until there is new investment, these discharges will continue to happen, exacerbated by the additional flows of wastewater from any new development that is permitted.   
We don’t think this development should be determined until Natural England have responded to these points.  
Bearing in mind firstly that the situation is bad enough at present even before the newly permitted Cala development of 118 houses to the east of Broad Rd is completed and secondly, the sensitive nature and protected status of the Ham Brook with the Water Voles and Eels that have been shown to be present, no additional pollution or disturbance should be permitted.  
  
**The new bridge**This development will require the replacement of the existing bridge over the Ham Brook. We think the new bridge will be at least 7.5m and thus is significantly bigger that the existing bridge. We presume it will also carry additional services.   
This is an essential part of the access to the new development and so should be covered by this outline application, but it isn’t.  
  
**The pumping station:** We have concerns that a pumping station is an essential part of the sewer system for this development. It is located very close to the Ham Brook. We are concerned that this could be a cause of pollution to the Brook. A mechanical or electrical failure, or power cut, could cause this unit to fail. In that event wastewater will back up. Unless the unit can be restarted, to prevent wastewater flooding, the waste water would have to be released into the stream. This cannot be permitted, and yet it remains a possibility.   
The developer hasn’t adequately presented details of the plans for the pumping station for consideration at the outline stage. Since this is an essential feature of the plans, and the development could not proceed without it, we feel this should be dealt with at the outline planning stage. Potentially a failure of the pumping station would be devastating for the ecology of the HamBrook, and areas downstream to Chichester Harbour.  
  
**Two additional houses** on the east bank of the Ham Brook are now proposed.  
These two houses will be quite remote from the rest of the site. Furthermore, they will be built on the East side of the Hambrook, so that the bottom of their gardens will meet the stream.  
These two houses will be in the parish of Chidham & Hambrook. Construction of these properties will inevitably add to the consequential dust and pollution that will damage the Ham Brook.   
A further concern about construction is the disruption and pollution that will be caused to the stream when the existing bridge is removed and a new bridge which will be at least twice as wide will be constructed.   
We know that there are other houses bordering the brook that received planning permission many years ago or even built before planning permission was required. This is no argument for causing further damage to a protected chalk stream.  
These two houses should be removed from the plan to minimise the damage to the stream.  
  
**Parish geography**  
It should be noted that this development is almost wholly on land that is part of Southbourne parish and yet the only access from the site is into the parish of Chidham & Hambrook. What amenities there are in the parish will be under pressure. It is little comfort that there in any case very few amenities.  
The parish of Chidham & Hambrook will bear the brunt of the extra traffic congestion but gain no direct benefit from the CIL funds.  
As a development in Southbourne Parish it is far away from the nearest Southbourne settlement boundary. It is adjacent to the Chidham Settlement boundary but on the other side of the stream and therefore separated by a significant geographical and environmental feature. Has it been determined how affordable housing will allocated since the arrangements in Southbourne are different from Chidham & Hambrook?  
  
It is not necessary for this development to be located alongside a protected chalk stream in a rural area. The housing could perfectly well be accommodated within the district in a more sustainable location closer to the amenities that new residents will need.   
  
**Protection of the Ham Brook from new residents and their pets**  
To demonstrate that this is a sustainable location that will not cause further damage to the Ham brook the issue of protecting the stream from physical damage caused by recreational activity of the new residents should be addressed. We understand that this will be dealt with in any future reserved matters application but the principle must be established at this outline stage.

**The Five-Year Housing Land Supply calculation**  
It has very recently been disclosed that Chichester can no longer demonstrate five years of housing land supply. (It is currently 4.82yr) The appellant may claim that this should result in a tilted balance in favour of the developer. However, this aspect of the law is intended to make sure wayward Councils do not fall way behind with their house building programme. Chichester’s record is very good in this respect, this is a short-term factor, and it is not necessary at this stage to dispense with ‘plan led’ development and substitute ‘developer led’ development in order to maintain the intended level of the house building programme in the district.  
  
**The local economy and loss of a rural amenity**

We argue this development should not be in this rural location and does not need to be here.   
It will result in the loss of a local rural business that has served local people for over 30 years, and this clearly is a suitable rural location for this business.   
It should be noted that the presence of this popular local business was claimed as a relevant amenity by Sunley Homes when they made their development application (ref 20/01826/FUL - 118 homes Land East of Broad Rd.)  
The comments of the CDC Economic Development Team is noted.  
  
**Conclusion**We conclude that this significant development does not need to be in a rural area remote from amenities needed by new residents. Most journeys will be by car, and this makes it an unsustainable location.   
The development will inevitably cause damage to a protected and rare chalk stream. Rare Bats, Water Voles and Eels are some of the threatened species. This outline application is supported by inadequate ecological studies and does not demonstrate that every step has been taken to avoid this damage.   
This outline application should cover the principle of development and the access arrangements, but some issues that are important have not been dealt with.   
To be viable the development will need to be connected to the wastewater/sewer system. This will require a pumping station which will be located very close to the Ham brook. Further details are required to demonstrate that this does not represent a threat to the stream during the lifetime of the development.  
Access to the site depends on the construction of a new bridge that will be significantly larger than the existing one. There should be more details about this, since access depends on it.  
The revised proposal includes two new houses on the east side of the stream remote from the rest of the development. Construction of these houses will inevitably cause unnecessary damage to the stream, which should not be permitted.  
  
This development is in, but not connected to the Parish of Southbourne. It is not needed to meet a local housing need in Chidham & Hambrook and is not supported by either Parish Council.  
  
**OBJECTION**  
The number of houses has been reduced to 63, and a buffer planned for the west side of the Ham Brook. Whilst we welcome this, we feel these actions are inadequate and that this planning application should be refused and that our comments above are taken into account.

We also request the District Council to consider Natural England’s formal consultation response before taking a decision on this application.