



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 11 August 2021 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, Mr G McAra, Mr S Oakley, Mr D Rodgers and Mr P Wilding

Members not present: Mrs D Johnson, Mr H Potter and Mrs S Sharp

In attendance by invitation:

Officers present: Miss N Golding (Principal Solicitor), Mrs F Stevens (Development Manager (Applications)), Mr T Whitty (Divisional Manager for Development Management), Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Mr S Harris (Principal Planning Officer), Mr M Mew (Principal Planning Officer) and Ms J Prichard (Senior Planning Officer)

87 **Chairman's Announcements**

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

Apologies were received from Cllr D Johnson, Cllr Potter and Cllr Sharp.

88 **Approval of Minutes**

Cllr Oakley asked that it be noted, that whilst he did leave the meeting on the 7 July he did return during minute item 82 and 83.

No other matters were raised.

The minutes of the 7 July were agreed as a true and accurate record.

89 **Urgent Items**

There were no urgent items.

90 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of BI/20/02378/FUL as the external appointment to Chichester Harbour Conservancy.

Mr Briscoe declared a predetermination in respect of WE/20/01569/FUL, due to the fact that he had objected to a previous application made by the applicant at this site. Ms Golding confirmed that Mr Briscoe would not be involved in the discussion or decision making for this item, she explained that Mr Briscoe had registered to speak as a member of the public (not as ward member) for this item, he would be allowed to do this and would then be asked to vacate the room.

Mr Oakley declared a person interest in;

- WE/20/01569/FUL as a member of West Sussex County Council
- TG/17/01699/FUL as a member of both Tangmere Parish Council and West Sussex County Council
- SI/21/00322/FUL as a member of West Sussex County Council
- SB/20/02297/FUL as a member of West Sussex County Council
- BI/20/02378/FUL as a member of West Sussex County Council

91 **WE/20/01569/FUL Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG (approximate start time 9.35am)**

As Mr Briscoe had declared a predetermination he withdrew from the committee and took a seat in the public gallery.

This application was discussed having been deferred by the Committee at their meeting on Wednesday 9 June for a site visit. A site visit took place on Monday 9 August.

Mr Mew presented the report to the Committee. He drew the Committee's attention to the Agenda Update Sheet which acknowledged that the Westbourne Neighbourhood Plan had now passed referendum and carried significant weight. However, he explained that this change did not alter the report conclusions and as such the application was recommended for approval.

Mr Mew confirmed that the development was established through paragraph 80(e) of the National Planning Policy Framework 2021(NPPF) and was not contrary to the Neighbourhood Plan.

Mr Mew explained that para 80 of the NPPF 2021 had replaced para 79, the main difference was that innovative had been removed from the previous requirement to be truly outstanding or innovative.. He confirmed that the development did still meet the policy requirements by being 'truly outstanding' and 'significantly enhancing the local area'

Mr Mew highlighted the site location and proposed layout, including the site access and proposed biodiversity enhancements.

The Committee received the following representations;

Mr Richard Hancock – Parish Council Representative

Mr Roy Briscoe – Objector (upon completing his representation Mr Briscoe withdrew from the room)

Mr Jonathan Braddick – Supporter (statement read by Fiona Baker)

Mr Rob Hughes – Agent (statement read by Fiona Baker)

Officers responded to Members' comments and questions as follows;

With regards to other similar comparable projects within the district; Mr Whitty informed the Committee that he was unaware of any other projects that have been developed under para 80(e), he did acknowledge that this was a unique project and the standards required for a development under this policy are exceptionally high.

On the matter of how sustainable the development is given that any occupant would be required to have their own transport; Mr Mew explained that para 80(e) can only be applied to development in an isolated location, therefore it is accepted that occupiers would be required to have their own transport.

On the matter of whether para 80 (e) superseded other policy; Mr Whitty confirmed that para 80(e) did not supersede other policy, he explained that through this policy the principle of the development is establish, but consideration is given to other policy and how it applies to the development.

On the matter of the land classification; Mr Whitty confirmed that the land was grade 3 agricultural land.

On the matter of the design of the proposed development; Mr Whitty explained that this is a subjective matter and what one person 'likes' differs significantly from what another individual 'likes', he advised the Committee that they were not been asked to consider whether they liked the design, but the whether it met the requirements set out in para 80(e). The design had been considered by an independent Design Review Panel, who on their second review has agreed that it does meet the requirements set out in policy.

With regards to the development being unsuitable for the proposed location; Mr Whitty explained that para 80(e) could only be applied to development within an isolated location.

On the matter of the site access and visibility splays (particularly to the right when exiting the site); Mr Whitty acknowledged that there was a pinch point, and drew the Committee's attention to a layby that would allow for vehicles to pass. With regards to the visibility splay he confirmed that WSCC had commented as the responsible authority and raised no concerns. In addition, he explained that the access was on a raised slope which would allow those exiting an elevated view of any traffic on Woodmancote Lane. He also reminded the Committee that this was an entrance to a single dwelling and how it was engineered should reflect that, it would not be appropriate for an entrance similar in style to that of a larger development site to be installed.

On the matter of why the entrance had not been located further along the lane; Mr Mew explained that an area of ancient woodland was located along this stretch.

With regards to how much of the current access level would be retained; Mr Mew explained that any proposed level changes had been clarified with the agent and confirmed that there was minimal change at the access point.

Acknowledging member concerns regarding highway issues and potential discrepancies between submitted plans; Mr Mew agreed to go back to WSCC highways and raise the concerns with them for further comment.

On the matter of how the design would raise the standard of design within the rural area, given concerns raised that the design was not sensitive in design to its surrounding landscape or keeping with other buildings; Mr Whitty highlighted the design concept and that the proposed landscaping had been developed in line with existing field boundaries and was therefore, in his opinion, sensitive to the existing landscape.

Ahead of the vote and in response to members concerns regarding the proposed application, Mr Whitty advised members to consider, that if they chose to refuse to the recommendation; on what grounds are they refusing the application, officers have acknowledged concerns regarding highways and therefore he would advise the Committee to consider deferring the application for further information, as a refusal could is likely to result in an appeal.

In a vote the Committee refused the recommendation to **Defer for Section 106 then permit subject to no objection from Natural England.**

In response to a question from the Chairman, Mr Whitty confirmed that the applicant could appeal on the grounds of lack of determination, however, if the Committee chose to defer and the application is considered at the next Committee meeting, he believed that the authority would still be able to control the decision.

On the matter of whether the same Committee members could reassess the application again at a future meeting; Ms Golding confirmed that they could, Committee members are well trained and as long as they have an open mind and are able to listen and consider further advice, then they can reassess the application

The Chairman proposed that Committee defer the item to allow officers time to gather further information on the site access (and related highway concerns) and negotiate with the applicant to further demonstrate how the design will 'further enhance' design within the wider area.

Cllr Bowden seconded the proposal

In a vote the Committee agreed the recommendation; **Defer for further information** on both the site access (and related highway concerns) and how the design will further enhance design within the wider area.

The Committee took a ten minute break.

TG/17/01699/FUL Tangmere Airfield Tangmere Road Tangmere West Sussex (approximate start time 10.10am)

Mr Harris presented the report to the Committee. Mr Harris provided the Committee with a detailed background summary of the application and explained why it had been considered necessary for it to be brought back to Committee for consideration.

Mr Harris highlighted the site area and proposed layout of the development. He informed the Committee that for the majority the access road had been reduced in width from 6m to 4.1m, however, bends would 6m in width to allow for the safe passing of HGVs and a number of passing places would be provided to allow for HGVs to pass.

He explained that the location of the 'spine' road had been developed to accommodate and provide access for future development of the HDA.

Mr Harris outlined the proposed service yard and explained that the site was surrounded by a 6m high acoustic fence to limit noise disturbance from the site, he also informed the committee of the other noise mitigation measures including a restriction on HGV movements at certain times of day, no waiting on access road and the installation of a bund to protect properties to the north of the site.

Mr Harris drew the Committee's attention to the Agenda Update sheet, which included amendments to Conditions 2, 3, 6, 9 and 20.

In addition Mr Harris provided the following verbal update;

- Condition 6 had been amended to require submission of the details of the surface water disposal scheme prior to commencement of the development (excluding preliminary investigative activity). This reflected the trigger for this condition in the original application.
- Condition 6(i) - the word 'public' would be replaced with the word 'existing'.
- That the owners of both the site and much of the HDA, The Church Commissioners, had confirmed in writing that the spine road will be made available to other developers of land within the HDA and that they will endeavour to reach agreement with such parties, although that would need to be on normal commercial terms. Mr Harris confirmed that whilst the proposed clauses would need to be carefully considered, what was proposed seemed acceptable in principle and, consequently, that there was good reason to hope that the S106 would be agreed soon.

The Committee received the following representations;

Mr Richard Hopkins - Supporter

Mr Jonathan Zwinkels – Applicant

There were no questions, however, the Committee acknowledged the importance of the Horticultural industry to the local area.

In a vote the Committee agreed the recommendation to **Defer for Section 106 then permit.**

Recommendation; **Defer for Section 106 then permit** and subject to the conditions and informatives listed in the report.

The Committee took a ten minute break.

93 **SI/21/00322/FUL Land South Of Telephone Exchange Selsey Road Sidlesham PO20 7NG (approximate start time 10.55am)**

Ms Stevens presented the report to the Committee. She highlighted the site location and proposed layout of the application. Ms Stevens explained that the hatching marked on the site map represented the easement for an existing sewer.

Ms Stevens highlighted the combined bin and cycle storage units for each plot, which were installed with solar panels and also had an Electric Vehicle charging point. She also informed the Committee that the hardstanding around each plot had been reduced from the original application and there was an ecological enhancement scheme proposed around each plot.

The Committee received no representations.

Officers responded to Members' comments and questions as follows;

In response to a question regarding the collection of waste from the site, the Chairman used their discretion to invite the applicant to respond. The applicant confirmed that waste was collected by the authority on a weekly basis; he explained that bins were 'put out' on the roadside for collection

On the matter of a proposed embargo by the Parish Council regarding future development at the site; Ms Stevens explained that the current application had been amended from five plots to four plots. Any future development would be considered on its own merits as it came forward.

In a vote the Committee agreed the recommendation to **Permit with S106**.

Recommendation; **Permit with S106** and subject to the conditions and informatives listed in the report.

The Committee took a five minute break.

94 **SB/20/02297/FUL Land North West Of 139 Main Road Southbourne Hampshire (approximate start time 11.40am)**

Ms Stevens presented the report to the Committee. She highlighted the site location and informed the Committee that the site was located between the settlements of Hermitage and Southbourne. Whilst the development site fell outside the settlement boundaries it was considered to be contiguous with the Hermitage settlement boundary, as the gardens of houses located within the boundary backed onto the development site.

Ms Stevens explained that as the housing supply policies within the Local Plan are out of date and the authority is unable to demonstrate a five year housing land supply, the application should be permitted unless it can be demonstrated that the application conflicts with the NPPF or, any impacts from the development would significantly and demonstrably outweigh the benefits when assessed against the NPPF. She informed Committee that during the application process the development scheme had been amended to address officer concerns of over development of the site and design of the buildings. Consideration has also been given to the adopted Interim Position Statement for the delivery of housing in the absence of an up to date five year supply of housing.

Officers consider that the proposed site is in a sustainable location having good access to local amenities, established rights of way and bus routes.

Ms Stevens explained that many of the trees surrounding the site were protected by TPO's; although, 19 trees (that had been assessed by the Tree Officer) would be removed as part of the development, however a further 68 new trees would be planted. Ms Stevens also highlighted some of the other ecological proposals that would be installed as part of the development including bird and bat boxes.

Ms Stevens highlighted the wall to the south of the site and explained that this was classified as a heritage asset. The original proposal had sought the complete removal of the wall, however, in consultation with the Heritage Officer it had been agreed that part of the wall would be removed to provide a new access point with an inward curve which would be constructed from the original bricks removed. Ms Stevens informed the Committee that a condition is proposed to secure the details of the brickwork.

Ms Stevens informed the Committee that the proposed site would generate approximately 6.5kg nitrogen per year; a nitrate mitigation scheme had been developed and was considered acceptable.

The Committee received the following representations;

Cllr Amanda Tait – Parish Council Representative

Mr Christopher Bowring – Objector

Mr Paul White – Agent

Cllr Jonathan Brown – Ward Member (statement read by Fiona Baker)

Officers responded to Members' comments and questions as follows;

On the matter of where waste water generated from the site would be discharged; Ms Stevens informed the Committee that the waste would be discharged through the public network to the Thornham site. Mr Whitty confirmed that there was a headroom capacity of 427 at Thornham and as such it would be able to accommodate the additional waste. He acknowledged that this may change depending on what applications come forward in the future, however, the Committee cannot make a recommendation or refusal based on what might happen in the future. Mr Whitty explained that the reason Southern Water had not been consulted was due to the size of the development, any response received would most likely be a standard advice note that is supplied for developments of this size.

On the matter of whether the site was classified as a brownfield site, Ms Stevens confirmed that the site was a brownfield site.

With regards to site access for the maintenance of the TPO trees; Ms Stevens highlighted the access gateway on the site plans and confirmed that there was a pedestrian access provided to the trees.

On the matter of the ditch and drainage network at the site; Ms Stevens confirmed that this was already in situ at the site. She confirmed that the drainage was covered by condition, but agreed that negotiations could be held with the developer to ensure that where possible the ditches were maintained as 'open drains' as part of the discharge of conditions.

On the matter of the Southbourne Neighbourhood Plan and what weight it carried; Mr Whitty informed the Committee that the existing Neighbourhood Plan was agreed in 2015, and was afforded the same weight as the existing Local Plan, taking in consideration the fact that there is no five year housing land supply. He explained that because there is not a five year housing land supply, sites which are not included within a settlement boundary are not excluded from being developed. Mr Whitty explained that the site had not been tested as a 'strategic gap' and therefore the claim that the site was a strategic gap could be afforded only a limited amount of weight.

With regards to informatives; Ms Stevens acknowledged that there were no informatives included within the report but confirmed standard informatives would be necessary.

With regards to the conditions; Ms Stevens agreed that with regard to construction management the standard wording to include control of litter could be included, along with the condition that any access road would need to be constructed to ensure that it was capable of supporting a 26 tonne HGV.

With regards to the discrepancy in the report over the amount of nitrogen produced from the site; Ms Stevens confirmed that the correct figure was 6.5kg, the higher figure quoted in the report is from the original proposal.

Mr Whitty acknowledged the Committee's concerns regarding the Neighbourhood Plan, however, without a five year housing land supply he advised that the Planning Inspectorate would be minded to support any appeal.

Acknowledging concerns raised by the Committee regarding maintenance access to both trees and the ditches, Mr Whitty advised the Committee to defer the application to allow officers to further negotiate with the applicant.

Cllr Oakley proposed that the Committee defer for further information. Cllr Briscoe seconded this proposal.

In a vote the Committee agree the proposal to **Defer for further information**

Recommendation; **Defer for further information**, regarding the access and maintenance of existing trees and maintenance of the ditch and drainage network.

The Committee took a 25 minute break.

95 **CC/21/01555/DOM 43 York Road Chichester PO19 7TL (approximate start time 12.30pm)**

Ms Stevens presented the report to the Committee. She highlighted the site location to the Committee and drew their attention to the extension where the proposed cladding would be.

Officers responded to Members' comments and questions as follows;

With regards to the ecological benefits of the proposed cladding; Mr Whitty informed the Committee that he was unaware of any.

With regards to the permeability and increase in run off rain water; Mr Whitty advised that it was unlikely there would be any significant difference.

In a vote the Committee agreed the recommendation to **Permit**.

Recommendation; **Permit** and subject to the conditions and informatives listed in the report.

96 **CC/20/01590/DOM 30 Highland Road Chichester West Sussex PO19 5QT (approximate start time 1.05pm)**

This application was discussed having been deferred by the Committee at their meeting on Wednesday 9 June for a site visit. A site visit took place on Monday 9 August.

Ms Stevens presented the report to the Committee and drew their attention to the Agenda Update Sheet which included some addendums to the report and a further assessment.

Ms Stevens explained to the Committee that much of what was proposed within the application was subject to Permitted Development including the porch element to the side of the building. Ms Stevens informed the Committee that this was the fall-back position and as a material consideration carried a significant amount of weight. She explained the reason for the planning application being submitted was because when combined both the side and rear extension were greater than the width of the house.

The Committee received the following representations;
Mr Will McLaren-Clark – Objector

There were no comments or questions from the Committee.

In a vote the Committee agreed the recommendation to **Permit**.

Recommendation; **Permit** and subject to the conditions and informatives listed in the report.

97 **BI/20/02378/FUL 1 Birdham Business Park Birdham Road Birdham West Sussex (approximate start time 1.30pm)**

Ms Prichard presented the report to the Committee and drew their attention to the Agenda Update sheet which included additional conditions relating to trees and hedgerows around the site. Ms Prichard also provided a verbal update on Condition 12 which had been amended and now required the developer to submit a plan showing the parking layout for approval prior to occupation.

Ms Prichard highlighted the site location and proposed development to the Committee. The site is located out of the settlement boundary and does run adjacent to the AONB.

The Committee received the following representations;
Cllr Timothy Firmston – Parish Council Representative

There were no further questions or comments from the Committee.

In a vote the Committee agreed the recommendation to **Permit**.

Recommendation; **Permit** and subject to the conditions and informatives listed in the report.

Cllr Fowler left the meeting at 2.05pm.

98 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters (approximate start time 2.15pm)**

Ms Golding provided the Committee with an update on the following items;

- Plot A, Land north of Premier Business Centre, Birdham; Ms Golding explained that the application had been refused, however, the applicant had now lodged an appeal against the refusal, the outcome of which had not been determined.
- Hundredsteddle Farm; Ms Golding informed the Committee that the court had ruled in favour of the authority and the matter had been remitted to the Planning Inspectorate for redetermination, the authority had also been awarded their costs on the matter.

The Committee agreed to note the item.

99 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters (approximate start time 2.20pm)**

The Committee agreed to note the item.

100 **Schedule of Contraventions (approximate start time 2.25pm)**

Mrs Archer presented the Schedule of Contraventions to the Committee. She informed the Committee that the site at Birdham had now been vacated by seven of the ten groups, with three groups remaining on site. Ms Archer explained that the authority's Litigation Lawyer was in contact with the High Court for confirmation of their understanding of the matter before further action could be taken.

Ms Archer informed the Committee that the prosecution for the breach of condition notice at 3 West Ashling Road, was successful and the authority were awarded a sum of £3800 in costs.

On the matter of Land North West of Newbridge Farm; Ms Archer agreed to circulate an update outside of the meeting.

The Committee agreed to note the item.

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

There were no late items.

102 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.35 pm

CHAIRMAN

Date: