



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 March 2024 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, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter and Ms S Quail

Members not present: Ms B Burkhart 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)), Cranmer (Senior Planning Officer) and Mr J Bushell (Principal Planning Officer)

177 **Chairman's Announcements**

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

Apologies were received from Cllr's Burkhart and Sharp.

178 **Approval of Minutes**

The minutes of the meeting of 7 February 2024 would be carried forward and agreed at the next meeting of the Planning Committee.

179 **Urgent Items**

There were no urgent items.

180 **Declarations of Interests**

Cllr S Johnson declared a predetermination Agenda Item 6 – SB/23/00024/OUT – Land to the North Of Penny Lane; as he had expressed an opinion on the application when it was considered by Chidham & Hambrook Parish Council.

181 **WH/23/01855/FULEIA - Rolls Royce Motor Cars, The Drive, Westhampnett, Chichester, West Sussex, PO18 0SH**

Mr Bushell presented the report, Mr Gledhill from West Sussex County Council Highways was also in attendance.

Mr Bushell explained the application was hybrid application and would be delivered in two phases. He provided a brief summary of the development site and drew the Committee's attention to the Economic Development team comments in the report.

Mr Bushell outlined the application site, highlighting its proximity to the settlement of Westhampnett, the boundary of the national park and public rights of way.

Mr Bushell detailed the stages of development proposed and described what would be brought forward during the two phases. He detailed the proposed access arrangements and explained how the applicant sought to alleviate traffic management issues including the development of a new internal road and a change in staff shift times.

Mr Bushell informed the Committee that the applicant had applied to the Secretary of State for permission to divert footpath 417, (further detail was set out on page 47 of the report).

Mr Bushell drew attention to the Agenda Update sheet which included additional comments from Westhampnett Parish Council and Natural England, an addition to the S106 agreement and an amendment to condition 12.

Representations were received from;

Dr Windsor Holden – Westhampnett Parish Council
Mr Andrew Blanchard – Objector
Mr John Brown – Objector
Mr Andrew Ball – Applicant

Officers responded to comments and questions as follows;

Responding to concerns over the proposed transport arrangements: Mr Bushell, acknowledged concerns, but assured the Committee that a very detailed Access Strategy had been submitted as part of the application. He explained the assessment had considered seven alternative solutions for accessing the new development, which aimed to deliver four key objectives (one of which was to reduce the number of HGV movements through the village of Westhampnett). Of the seven alternatives considered the option put forward was the only one which delivered the key objectives.

Regarding the option of vehicles only using the Eastern access on Stane Street to enter the site; Mr Bushell agreed this was a good point; however, he explained this option was not taken forward as it would potentially increase the number of HGVs passing through Westhampnett. In addition, Mr Gledhill informed the Committee that Stane Street was not wide enough to accommodate all potential HGV movements, the widening of the road would have significant environmental impact therefore the option was not considered in any detail.

On the matter of the footpath; Mr Bushell clarified the footpath was not being 'Stopped Up' but was being diverted. It would remain a public footpath. He agreed it

would be a more circuitous route and acknowledged the concerns raised, however, there was evidence to show that people already walked around the edge of the field (which is where the footpath would be diverted) and the new diversion would provide a wider, fully accessible path with an improved surface.

Regarding the future maintenance of the footpath; Mr Bushell advised this would be the responsibility of WSCC as the local rights of way authority, however, an informative could be included as part of the permission to encourage the applicant to ensure the path is maintained to an acceptable standard and kept free of obstructions.

Regarding the loss of trees; Mr Bushell acknowledged it was regrettable; however, the development would include a significant amount of new tree planting, as well as delivering a substantial net gain in bio-diversity and ecological enhancements.

On the matter of potential archaeological finds; Mr Bushell confirmed that whilst there had been some interesting finds at the site, they were not so significant as to require any specialist intervention. The developer would be required to record any finds and publish the final report.

Responding to concerns HGVs would be crossing the carriageway; Mr Bushell acknowledged concerns; however, HGVs already crossed the flow of traffic when turning right out of the Stane Street entrance, and the site access had been safety audited as part of the original application.

On the matter of the Rolls Royce Travel Plan; Mr Gledhill confirmed the company had an extensive travel plan and were very proactive in promoting sustainable travel. The staff bus which ran from the site to Bognor Regis is well used and regularly monitored.

Responding to concerns of light pollution; Mr Bushell drew the Committee's attention to Conditions 17 and 18 which would control and mitigate against any potential light spill from the development.

Having listened to the debate, Cllr Potter proposed the Committee deferred the application to allow further assessment of the traffic management proposals, specifically the routing of vehicles coming in and out of the site.

Cllr Quail seconded the vote.

Following a vote, the Committee agreed to support Cllr Potter's proposal to **defer for further information**.

Resolved; **defer for further information**.

**Members took at ten-minute break.*

**Cllr D Johnson arrived at the start of this item and then left the meeting at the conclusion of the item.*

182 **SB/23/00024/OUT - Land To The North Of Penny Lane Penny Lane Hermitage PO10 8HE**

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

The Chairman apologised for the short delay in recommencing the meeting, however, a point of order had been raised which required legal clarification.

The Chairman invited Cllr Hickson to present her point of order.

As a point of order Cllr Hickson requested the application be deferred on the grounds that the Agenda Update had not been made available within the legally prescribed time (five clear working days ahead of the meeting).

The Chairman invited Ms Golding to address the point of order. Ms Golding explained the Agenda Update Sheet was something produced ahead of every Planning Committee. She agreed there was a legal requirement for reports to be published five clear days ahead of the meeting and confirmed the application report had been published within the legally prescribed time. With regards to the Agenda Update Sheet, Ms Golding explained the very nature of planning meant further information was continually being brought forward, therefore, the Agenda Update Sheet was produced to make sure all interested parties were kept informed. She explained the updates could be given as verbal at the start of the meeting.

Ms Golding advised the Committee that the point of order did not stand and the Committee could continue.

In addition, Mrs Stevens provided further detail regarding the update to Agenda items 6, 7 & 8 and the additional legal advice which had been provided.

Mr Cranmer presented the report, Mr Gledhill and Mrs Meeus from West Sussex County Council Highways were also in attendance.

Mr Cranmer outlined the site location, which was outside the Southbourne settlement boundary. he explained the application was an outline application for 84 dwellings with all matters reserved expect access.

Mr Cranmer presented the proposed parameter plans, highlighting the sites proximity to the proposed wildlife corridor. He detailed the proposed drainage strategy, which had been reviewed by West Sussex County Council (WSSCC) in their capacity as the Lead Flood Authority, who had raised no objection to the proposals.

Mr Cranmer drew attention to the Agenda Update sheet which included additional comments on the following; the application of the 'tilted balance'; Planning Policy; Southbourne Broad Location for Development – emerging Chichester Local Plan Review Preferred Approach 2016 – 2025; Railway Crossing contribution timing; Third-party representations; a consultation response from the CDC Design officer and amendments to typographical omissions.

Representations were received from;

Cllr Amanda Tait – Southbourne Parish Council
Dr Nicholas Minter – Objector (Statement read by Iwona Defer)
Mr Ian Goddard – Objector (Hermitage Residents Group)
Mr Michael Lillywhite – Objector
Mr Ian Johnson – Agent
Cllr Oona Hickson – CDC Ward member

Officers responded to comments and questions as follows;

Mr Cranmer confirmed the Park Homes site was residential and operated all year round. He acknowledged he had misspoken in the presentation when he referred to it as holiday park but confirmed this had no impact on the proposed recommendation which, as set out at 2.2 of the Report, was based on it being a Park Homes site.

Mr Cranmer clarified the proximity of the Wildlife Corridor to the application site.

Responding to concerns the development would be on good agricultural land; Mr Cranmer acknowledged the concerns and agreed Natural England had rated the land as being 'very good agricultural'. However, due to the scale of the Natural England map it was challenging to attach any degree of certainty to the specific area of land but that Officers considered the weight attached to meeting housing need was overriding.

Regarding land identified through the gap assessment; Mr Cranmer explained the field to the east of the site had been identified, the proposed development site was not considered due to its proximity to the built-up area and railway line.

Responding to the proposal of a parking survey; Mr Gledhill advised there would be little benefit in undertaking such a survey, as the proposed development would provide parking for occupiers on site, therefore it would be unlikely to have any impact on current parking constraints.

Ms Bell clarified the current policy position, confirming that having now being made the Southbourne Neighbourhood Plan carried full weight. She acknowledged there was a very fine line when considering the application and how the relevant policy is applied, the Council did have a four-year housing land supply, but it is very marginal and whilst Southbourne have met their development requirement, there is still a need to deliver housing within the district. Ms Bell advised members to consider the Council's position should it be in an appeal situation and reminded them of recent appeal decisions where the council's housing supply has been challenged.

Regarding the viability of the Southbourne BLD; Ms Bell reminded the Committee the emerging Local Plan had not been through examination and therefore did not carry full weight, as a result the BLD can not be used at this stage when considering the determination of the application.

Responding to concerns about the ecological impact; Mr Cranmer advised the Committee no concerns raised by statutory consultees. The development is expected to deliver a 43% biodiversity net gain through habit units and a 77% net gain in hedgerow units.

Regarding the impact on bats; Mr Cranmer explained there was a large landscape buffer and condition were included to minimise the reduction of lighting in order to mitigate impact on local bat populations.

Mr Cranmer informed the Committee the anticipated CIL estimate (the final figure would only be known at the Reserved Matters stage) was between £800,000 - £1,000,00; 25% of which would go to the Parish Council as they have a made Neighbourhood Plan.

Responding to concerns regarding the proposed housing mix; Mr Cranmer reminded the Committee this was an Outline application, the housing mix would be considered as part of the REM application.

On the matter of noise from the railway; Mr Cranmer explained this would be considered in detail when the REM application is submitted, until that time it is not possible to model as there is no known layout but the Councils Environmental Health Officers were content in principle.

Regarding the width of the road; Mr Gledhill clarified it was the verges which were being narrowed to widen the pavements, the road would not be narrowed.

Mr Gledhill acknowledged concerns raised regarding the validity of the Transport Assessment, however, he confirmed the transport assessment was valid. Mrs Stevens advised the Committee to not refuse the application due to highway concerns.

Responding to whether the 4YHLS had been tested at appeal; Mrs Stevens confirmed it had, the most appeal being the Main Road, Birdham appeal which was allowed.

Responding to concerns over the wastewater capacity; Mrs Stevens acknowledged the concerns; however, the statutory undertaker has raised no objection. She reminded the Committee the Council had not been successful at appeal when challenging on the grounds of sewage as they are not able to demonstrate the harm.

Having listened to the debate and taking advice from officers, Cllr Burton proposed the Committee refuse the application for the following reasons;

- The proposed development would fall outside the settlement boundary identified within the new Neighbourhood Plan, in an area where there is no identified housing need within the Parish and therefore would be unjustified development in the countryside (officers would add the relevant policies it conflicts with).
- No mitigation through the S106

- Also if at appeal there may be no capacity at the Thornham Waste Water Works

Cllr Brookes-Harmer seconded the proposal.

Following a vote, the Committee voted against Cllr Burtons proposal.

Before moving to the report recommendation, Cllr Potter asked if Condition 8 could be amended to ensure construction traffic parked on site. Mrs Stevens confirmed this could be included.

The Committee then voted on the report recommendation.

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 set out in the report, including the amendment to condition 8.

**Members took a half-hour break*

**Cllr Brookes-Harmer left at the conclusion of the item.*

183 **SB/22/01903/OUT - Four Acre Nursery, Cooks Lane, Southbourne**

Ms Bell presented the report. She explained why the application had been brought back to Committee, following its decision at Committee on 6 December 2023 to defer for S106 and then permit.

Ms Bell highlighted the site location which was adjacent to the settlement boundary of the made Southbourne Neighbourhood Plan. She highlighted its proximity to neighbouring development sites.

At the last Committee members had debated the green ring, Ms Bell drew attention to the report and informed members that following on from the debate a new condition had been proposed to address concerns raised and promote the expansion of the green ring.

Ms Bell drew the Committee's attention to the Agenda Update sheet which included which included an additional comment regarding the application of the 'tilted balance' and an update from Planning Policy.

Representations were received from;
Cllr Amanda Tait – Southbourne Parish Council
Rebecca Fenn-Tripp – on applicant's behalf

Officers responded to comments and questions as follows;

On the issue of the 10% biodiversity net gain and whether this could be achieved on site; Ms Bell informed the Committee that at this stage it was unknown, however,

she suggested an informative be included with the permission stating that as much if not all of the required biodiversity net gain is delivered on site.

Following a vote, the Committee agreed to support the report recommendation including the additional verbal informative.

Resolved; The Committee notes the contents of the report and endorse the resolution of the 6 December Planning Committee to defer the application for S106 and then permit subject to (and including the verbal informative):

i. Conditions as set out in Appendix 1

ii. Replacement hedgerow condition

No development shall commence on site, unless and until details of new hedgerow strengthening, to mitigate the loss of hedgerow at the site access, has been submitted to and approved in writing by the Local Planning Authority. the details shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping, including watering and maintenance arrangements. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason; in the interests of conserving and enhancing biodiversity.

iii. Expansion of the Green Ring condition

In conjunction with the first Reserved Matters application, details and plans demonstrating an increase to the open space area adjacent to the northern and western boundaries within the application site to strengthen the provision of the 'Green Ring' (over and above that indicated on the sketch site layout drawing number 3132/C/10005/SK rev 5) and including how the Green Ring will relate to the adjacent approved housing scheme to the north and west, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason: in the interests of ecological connectivity, outdoor recreation and encouraging sustainable movement through the Parish.

iv. Biodiversity Net Gain Assessment condition

In conjunction with the first Reserved Matters application, a Biodiversity Net Gain Assessment Report, setting out how the development will result in a minimum Biodiversity Net Gain of 10%, measured against the Statutory Biodiversity Metric, together with a timetable for delivery and verification measures, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development results in an appropriate biodiversity enhancement.

184 NM/22/02191/OUT - Charmans Field, Marsh Lane, Runcton

Mr Bushell presented the report, he explained why the application had been brought back to Committee (for the third time).

Mr Bushell outlined the site location, which the Planning Committee visited in July 2023. He detailed the proposed access arrangements and highlighted the proposed Parameter Plan which would be secured through Condition 3.

Mr Bushell drew the Committee's attention to the Agenda Update sheet which included an additional comment regarding the application of the 'tilted balance'; an additional comment from WSCC Education advising its position was unchanged since November; confirmation from Environmental Protection regarding lighting issues with the adjacent Vitacress Nursery and the inclusion of two conditions regarding off-site foul drainage and land contamination which were forward from the November Committee Update Sheet.

Representations were received from;
Mr David Maclean – North Mundham Parish Council
Cllr Simon Oakley – West Sussex County Council Councillor
Mr Chris Page – Objector (Chairman of the Mundham & Runcton Residents Association) – Statement read by David Maclean
Mr Ian Chivers – Objector
Mr Steve Clark – Supporter
Mrs Lisa Jackson – Agent

Officers responded to comments and questions as follows;

Responding to concerns of school places at North Mundham primary; Ms Bell reminded the Committee WSCC had confirmed there was capacity at the primary school.

Regarding the use of Marsh Lane by construction vehicles; Mr Bushell agreed the wording in Condition 4 could be amended to prevent construction vehicles from entering the site via the north end of Marsh Lane and leaving the site travelling north along Marsh Lane

Mr Bushell agreed Condition 14 could be amended to ensure all new planting is maintained in perpetuity.

Responding to concerns over waste water capacity; Ms Stevens acknowledged comments made by members, however, she reminded the Committee that they must determine the application in front of them; anecdotal evidence could not be taken into account, the statutory undertaker Southern Water has confirmed they have capacity. In addition, Mr Bushell drew members attention to the Agenda Update Sheet which included an additional condition to address foul drainage concerns.

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

Resolved; The Committee notes the contents of the report and endorse the resolution of the 8 November Planning to defer the application for S106 and then permit subject to conditions (including the amendments).

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

The Committee agreed to note the item.

**Cllr Bates left the meeting at 2.50pm*

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

Cllr Potter expressed concern over the number of outstanding appeals.

Cllr Cross, as the CDC appointed member to the South Downs National Park, agreed to raise this at the next meeting with them.

The Committee agreed to note the item.

187 **Government Consultation on 'Strengthening Planning Policy for Brownfield Development - REPORT TO FOLLOW**

Ms Bell presented the report, she drew attention to the Agenda Update Sheet which included an amendment to Appendix 1 and the response to questions 7-12.

Responding to a question from Cllr Betts, Ms Bell explained the proposed changes related to the NPPF and would not apply to building regulations.

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

Resolved; That the Planning Committee consider and agree the attached responses to the consultation questions for submission in response to the government consultation on 'Strengthening planning policy for brownfield development'

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

There were no late items.

189 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 2.57 pm

CHAIRMAN

Date: