

Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 11 November 2015 at 09.30 am

Members Present

Mr G Barrett, Mr M Cullen, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr R Hayes (Chairman), Mr L Hixson, Mrs J Kilby, Mr S Oakley, Mr R Plowman, Mrs C Purnell (Vice-Chairman), Mrs J Tassell and Mrs P Tull

Members Absent

Mr G McAra

West Sussex County Council Officers Present

Mrs A Meeus (Assistant Planner Strategic Planning) and Mr T Townsend (Senior Planner Strategic Planning)

Officers Present

Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor and Monitoring Officer), Mr S Harris (Senior Planning Officer), Mrs N Langford (Senior Planning Officer), Mr J Saunders (Development Manager (National Park)), Mr G Thrussell (Senior Member Services Officer) and Mr T Whitty (Development Management Service Manager)

275 Chairman's Announcements

Mr Hayes welcomed the very large number of members of the public, members of the Planning Committee, other Chichester District Council (CDC) members who were present, CDC officers and the press representative. He gave advice on practical arrangements including the emergency evacuation procedure which was displayed on the screens.

Mr Hayes stated that as this was Remembrance Day the customary period of silence for two minutes would be observed at 11:00; its commencement and conclusion would be marked by a brief sounding of the East Pallant House warning bells.

The following CDC members were in attendance during the meeting as observers and in some cases (as noted at the appropriate points in these minutes) as speakers: Mr J C P Connor, Mrs P A Hardwick, Mrs E P Lintill, Mrs P Plant, Mr H C Potter, Mr J Ridd, Mrs S T Taylor and Mr D Wakeman.

He introduced the officers who were in attendance for the start of this meeting (others would arrive in due course for particular items).

Apologies for absence had been received from Mr McAra.

There were no agenda items which had been deferred or withdrawn.

276 Approval of Minutes

The Planning Committee received the minutes of its previous meeting on Wednesday 14 October 2015. No amendments were proposed.

RESOLVED

That the Planning Committee approves without amendment the minutes of its meeting on Wednesday 14 October 2015.

277 Urgent Items

There were no urgent matters for consideration under agenda item 19 b) (Late Items).

278 Declarations of Interests

The obligation to make declarations of interests related to agenda items 5 to 16, 18 and 20 inclusive.

A – Disclosable Pecuniary Interests

Disclosable pecuniary interests have been introduced by section 30 of the *Localism Act 2011* and are set out in paras 3 to 7 of Part 3 of Chichester District Council's (CDC) *Code of Conduct* adopted on Tuesday 9 October 2012. They are interests that either the member has or is aware that his or her partner has. Where such an interest exists, the member concerned must declare it. Unless the member has previously received a dispensation to do so from the Monitoring Officer, he or she may not participate in any discussion of or in any vote taken on that item of business. The member concerned must move to the public seating area for the duration of the item of business in question and from that area he or she may make representations, answer questions or give evidence relating to that item of business, provided that he or she has received a dispensation from the Monitoring Officer to do so.

There were no declarations of a disclosable pecuniary interest made at this meeting.

B - Personal Interests

Personal interests are defined in paras 8 and 9 of Part 4 of CDC's *Code of Conduct* adopted on Tuesday 9 October 2012. They include (as set out on pages 1 and 2 of the agenda for this meeting) membership of parish councils, West Sussex County Council, outside organisations or public bodies where those local authorities, organisations or bodies have been consulted in respect of an item in the schedule of planning applications or another relevant agenda item.

Miss Golding explained that the personal interests set out on pages 1 and 2 of the agenda were to be taken as having been declared by the member concerned in respect of the relevant planning applications in agenda items 5 to 16 inclusive where such consultations had taken place.

There were five members of the Planning Committee who made the following declarations of personal interests:

Mr Barrett declared a personal interest in respect of planning applications BO/15/01507/ FUL (agenda item 5) and WW/15/02328/REG3 (agenda item 15) as a Chichester District Council appointed member of the Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in respect of planning applications BO/15/01507/ FUL (agenda item 5), D/15/01583/OUT (agenda item 6), BX/15/02463/FUL (agenda item 7), CC/14/03681/REG3 (agenda item 8), CH/15/02332/FUL (agenda item 10) and TG/15/ 02310/OUT (agenda item 11) as a member of West Sussex County Council.

Mrs Kilby declared a personal interest in respect of planning applications CC/14/03681/ REG3 (agenda item 8) and CC/15/02466/DOM (agenda item 9) as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of planning application TG/15/02310/ OUT (agenda item 11) as a member of Tangmere Parish Council.

Mr Oakley declared a personal interest in respect of planning applications BO/15/01507/ FUL (agenda item 5), D/15/01583/OUT (agenda item 6), BX/15/02463/FUL (agenda item 7), CC/14/03681/REG3 (agenda item 8), CH/15/02332/FUL (agenda item 10) and TG/15/ 02310/OUT (agenda item 11) as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of planning applications CC/14/03681/ REG3 (agenda item 8) and CC/15/02466/DOM (agenda item 9) as a member of Chichester City Council.

In addition the following two CDC members, although they were not members of the Planning Committee, each had a personal interest by virtue of addressing the Planning Committee as a CDC ward member:

Mr H C Potter had a personal interest in respect of planning application BX/15/02463/FUL (agenda item 7) as a member of Boxgrove Parish Council, which was a consultee.

Mr J Ridd had a personal interest in respect of planning application D/15/01583/OUT (agenda item 6) as a member of Donnington Parish Council, which was a consultee.

C - Prejudicial Interests

A personal interest which is also a prejudicial interest is defined in para 12 of Part 4 of CDC's *Code of Conduct* adopted on Tuesday 9 October 2012.

Where a member has a prejudicial interest he or she must declare it and move to the public seating area for the duration of the relevant item. That member may not participate in any discussion of or vote taken on that item. The member is entitled, however, to make representations, answer questions or give evidence relating to that item of business on the basis that the public is allowed to attend the meeting for that same purpose.

There were two declarations of a prejudicial interest made at this meeting as follows:

Mr Hall declared a prejudicial interest in respect of planning application BX/15/02463/FUL (agenda item 7) as he was a friend of the applicant and his wife.

Mr Cullen declared a prejudicial interest in respect of planning application BX/15/02463/ FUL (agenda item 7) as the applicant (a) had had an association with his business and (b) was a friend of his.

D – Pre-Determination or Bias

The concept of pre-determination or bias is explained in para 14 of Part 4 of CDC's *Code of Conduct* adopted on Tuesday 9 October 2012.

A member should not be prohibited from participating in a decision in his or her political role as a member on account of having been involved in campaigning in his or her political role on an issue which does not impact on his or her personal and/or professional life. However a member should not place himself or herself under any financial or other obligation to outside individuals or organisations that might seek to influence that member in the performance of his or her official duties. A member must retain the ability to consider the matter with an open mind and to give proper consideration to all the facts and information relevant to the decision.

Furthermore, when making a decision a member should consider the matter with an open mind and on the facts at the meeting at which the decision is to be taken.

There were no declarations of predetermination or bias made at this meeting.

Planning Applications

As previously stated by the chairman, no items had been deferred or withdrawn from the agenda.

The Planning Committee considered in turn each of the reports for the planning applications listed in the agenda and the agenda update sheet which had been published in the late afternoon of the previous day and circulated immediately prior to the start of this meeting (copies attached to the official minutes). The agenda update sheet summarised the observations and amendments which had arisen since the despatch of the agenda.

Officers provided oral updates to the agenda update sheet where appropriate.

During the presentations by officers of the applications, members viewed photographs, plans, drawings, computerised images and artist impressions which were displayed on the screens or, where permitted by the chairman, shown or circulated by speakers.

RESOLVED

That the Planning Committee makes the following decisions in respect of agenda items 5 to 16 inclusive (minute paras 279 to 290 respectively and inclusive) subject to the stated observations and amendments.

279 BO/15/01507/FUL - Oakcroft Nursery Walton Lane Bosham West Sussex PO18 8QB

[**Note** During the course of this agenda item the Remembrance Day two-minute silence was observed between 11:00 and 11:02]

Mr Harris presented this planning application for (a) the demolition of existing redundant glasshouses and associated buildings, (b) the construction of a new hospice with 18 bedroom in-patient unit and day hospice with associated external stores, café, shop, offices, car parking and landscaping and (c) a new section of footway linking the site to the A259 together with associated enhancements to pedestrian crossing facilities.

He described the proposal with reference to slides shown on the screens namely (a) a location plan (the principal features of and nearby to the site were identified); (b) an aerial photograph (with relevant details close to the site such as fields and roads identified); (c) the site/ application plan for this proposal (the details of the scheme were explained); (d) colour pictures of the elevation details; (e) highway works plan; (f) colour images illustrating the massing of the existing and proposed buildings; (g) four colour photographs of the existing condition of the site sent by the applicant to the members of the Planning Committee under cover of a letter dated 6 November 2015; (h) colour photographs with different views of the local roads including the A259 and Walton Lane.

The agenda update sheet reported:

- (a) The amendment of the final line of para 8.58 of the report (page 24 of the agenda papers) namely that 'refuse' should be substituted for 'permit' so as to read 'the recommendation to refuse is justified and proportionate.'
- (b) The request made to the Secretary of State for the Department of Communities and Local Government for the application to be called in for determination in the event that the Planning Committee was minded to approve the same contrary to the officer's recommendation.
- (c) The consequential need for a resolution to permit the application, if the Planning Committee was so minded, to take the form of 'Defer for referral to the Secretary of State and, in the event of no call-in, then permit (with appropriate conditions)'.

- (d) The additional comments submitted by Southern Water relating to sewage disposal (officers had invited a representative to attend this meeting but no-one had been available).
- (e) The additional supporting information supplied by the applicant relating to traffic impact, car parking, foul water and site ownership.
- (f) The comments by officers on the applicant's contentions regarding the prospect of the site being available for housing development as proposed in the emerging *Bosham Parish Neighbourhood Plan 2014-2029* (BPNP).
- (g) The further third party representations received namely four additional third party support, one additional third party other (death rates at the applicant's existing premises) and the information sent to Planning Committee members.

The following members of the public addressed the Planning Committee:

- (a) Mr A Johnstone (the chairman of Bosham Parish Council) – parish representative objecting to the application
- (b) Mr O James – objector
- (c) Mrs C Pexton – objector
- (d) Mr J Course – objector
- (e) Mrs A Tuck – supporter
- (f) Mr S Stoddard – supporter
- (g) Mrs E Spence – supporter
- (h) Mr P White – agent for the applicant

Mrs P Plant, one of the two CDC members for the Bosham ward, and who issued a red card in respect of this matter on the grounds of an exceptional level of public interest, addressed the Planning Committee in objection to this application.

During the debate the main points made for and against the application were as follows:

- (a) The high esteem in which St Wilfred's Hospice (SWH) was held for its outstanding work was recognised by everyone and was an incontrovertible fact. The role of the Planning Committee was to assess the application in terms of national and local planning policy and material planning considerations, not the innate merits of SWH.
- (b) The wastewater issues were a cause for major concern in Bosham and they had not been assuaged by Southern Water's replies. There was a legitimate

doubt as to the degree of confidence that the mitigation measures would be implemented, which raised doubt about the sustainability of the development. The alternative view was that it would be very difficult to refuse the proposal for foul drainage reasons.

- (c) The traffic and parking consequences in Walton Lane as a result of this scheme were likewise an unresolved issue; parking congestion on SWH's existing site in Donnington and in the surrounding roads did not bode well for what was felt to be a likely replication on the busy but narrow Walton Lane leading from the A259 and the response from West Sussex County Council Highways (WSCCH) had not reassured local people. The contrary view was that a lack of objections by WSCCH would make it difficult to oppose the development on highways/transport grounds.
- (d) The safety of pedestrians was also an issue in view of the lack of a footpath in Walton Lane and the scheme proposed only the creation of a short section of path from the site to the A259.
- (e) The existence of major policy conflicts between the proposal on the one hand and the *Chichester Local Plan* and the emerging BPNP on the other hand. As with many neighbourhood development plans, Bosham Parish Council had devoted considerable time and effort in preparing the BPNP and this should be respected. The BPNP identified this site for housing and was now with the examiner; having reached this stage it should be accorded considerable weight. Para 6.14 of the agenda report for this application was important to note in terms of the weight to be accorded to it. The BPNP recognised housing to be a priority and it should be remembered that housing numbers were a minimum.
- (f) The loss of the BPNP housing allocation for this site by virtue of the hospice development being permitted would be offset by the housing proposed for the current hospice site in Donnington in the event that the next planning application on the agenda (D/15/ 01583/OUT) were to be permitted.
- (g) The potential intervention of the Secretary of State in order to determine this application in the event that the Planning Committee was minded to permit it would usefully enable the controversial issues involved to be addressed at a higher level.
- (h) The question as to whether the proposal amounted to 'major development' for the purposes of para 116 of the *National Planning Policy Framework* (NPPF) divided opinion among members, just as did the question whether the applicant needed to establish the existence of exceptional circumstances and that it was in the public interest to permit the development. The development with buildings up to two and-a-half or even three storeys would be a very significant scale of development in the AONB and ought not to be permitted. AONBs required a certain amount of depth and scale to sustain them and the arable fields in the immediate area of the site should be recognised as contributing to this AONB's setting in the countryside.

- (i) The adverse impact on the AONB from the current state of the site was relevant. It could be argued that the housing development allocated in the draft BPNP would amount to a major development and be harmful to the AONB, perhaps more so than the hospice. It was questionable both that the hospice was any more a major development than the 23 houses envisaged in the BPNP and that permission would be given for that number of houses in the AONB. The character of the area (primarily flat arable fields) within the immediate AONB was unremarkable; it might in fact be said that that the northern border of the AONB in general had been significantly degraded over the years by development – that was certainly true of this site, a situation which could be exacerbated if the lawful use of the site for agricultural purposes were to be recommenced. The absence of an objection by Chichester Harbour Conservancy was significant.
- (j) The site was and would be well-screened. There were bus and rail links with Chichester. It was a sustainable and suitable site for a hospice.
- (k) The nature of the extant development on the land (for horticultural and not agricultural use) meant that it could be viewed as a brownfield and not (as officers advised) greenfield land. Moreover it was understood that there had been an industrial use of the units on it in the past, notwithstanding officers' advice that the planning history did not support that. The eighth of the core land-use planning principles in para 17 of the NPPF encouraged the effective use of previously developed land.
- (l) The proposed use should be viewed as sustainable development and in that case consideration had to be given to Policy 45 (Development in the Countryside) in the *Chichester Local Plan*. Having regard to the three criteria to be satisfied in Policy 45 and paras 19.26 and 19.28, this proposal was compliant with it.
- (m) The planning policy position was clear and on that ground the application should be refused: the Planning Committee had a duty to implement the recently adopted *Chichester Local Plan* and ought not to be undertaking a critique of it. Refusal of the application was also justified having regard to the planning merits and rules and the current stage of the BPNP.

During the debate Mr Harris and Mr Frost answered members' questions and comments on points of detail with respect to following matters among others:

- (a) The complaints by Bosham residents about the distressing sewage problems in recent years and which were continuing were acknowledged. It was regrettable that Southern Water had been unable to provide an officer to attend this meeting and explain the solution set out the agenda update sheet. In Bosham the issue was not that the local wastewater treatment works were unable to cope with additional flows (unlike at Apuldram and Tangmere) once they arrived there but instead (a) the means and at what rate it reached there and (b) infiltration of the system during heavy rain. Southern Water was well aware of this. It was a fundamental planning principle that the applicant was not required to remedy pre-existing

infrastructure problems but it had to ensure that if permitted the development did not exacerbate them. On the evidence a refusal of planning permission related to foul drainage would not be reasonable; suitable conditions could be imposed as required. The site was not currently connected to the public sewer network. Whilst members' lack of confidence in Southern Water's advice was understood, the latest solution had been carefully considered at a high level within the organisation.

- (b) The planning legislation definition of agriculture included horticulture (the previous use for this site) and so this site unambiguously did not constitute previously developed land and was greenfield land.
- (c) The BPNP housing allocation for this site and other sites within the parish was addressed in para 8.9 of the agenda report. It was a subjective judgment as to the harm to the AONB that might be caused by up to 25 houses on that site. There was no certainty that the site would be developed for housing as the BPNP adoption process was not yet complete and the planning merits of any submitted application for that use would be duly considered.
- (d) The reference to Policy 45 in the *Chichester Local Plan* was misconceived in that the three criteria did not fall to be considered because the development could not be categorised as meeting an 'essential, small scale, and local need'. There was a high threshold to cross to meet the criteria and that was not satisfied in this case.
- (e) The care with which proposed development in the AONB should be considered was demonstrated very clearly in paras 115 and 116 of the NPPF. The fact that the tests were very difficult to satisfy was evident from the use of 'exceptional' in para 116 (examples of which within Chichester District were cited). Chichester Harbour was the second smallest AONB in England and was a precious resource that had to be carefully safeguarded. The site was clearly within the AONB albeit it was not necessarily its most attractive part.
- (f) The rationale for a call-in by the Secretary of State remained to be seen but the focus was more likely perhaps to relate to the BPNP and the BPNP process generally. It was important for members to support a neighbourhood development plan, in particular where (as here) it had been through a long process with local community involvement and the site had been retained in the BPNP. In such a case it could be said that to permit this application would be premature and prejudicial to the BPNP.
- (g) The weight to be accorded to a neighbourhood development plan increased as it made progress through each stage of the process. The BPNP had reached the examination, which was an advanced stage. National guidance stated that once a neighbourhood development plan had been the subject of consultation by the local planning authority (as was the case here) it attracted significant weight as a material consideration and a decision on a planning application which ran counter to it could be viewed as being prejudicial to it.

- (h) The Strategic Environmental Appraisal process had been followed during the preparation of the BPNP.
- (i) The view that the loss of housing on this site by virtue of permitting this application would or could be compensated by permitting the next planning application on the agenda (D/15/01583/OUT) was not a correct approach to adopt. Bosham and Donnington parishes each had separate housing allocations and the two should not be conflated.
- (j) The BPNP was entitled to allocate this site for housing notwithstanding that (even if it were the case) there had been no consultation with the landowner about that form of development. Officers were in fact aware that the site had been previously promoted for development. This application should not be determined in a way that would either predetermine the BPNP's outcome or would seem to undermine it.
- (k) The outstanding issues with this application had been addressed in meetings with officers over a number of months but it had not been possible to resolve them.

At the conclusion of the debate the Planning Committee voted first of all with respect to the officer recommendation that the application should be refused. That recommendation was not carried: five members were in favour of refusal and nine were against it.

A proposal was then made by Mr Dunn for the application to be deferred for referral to the Secretary of State and, in the event of no call-in, then to be permitted with appropriate conditions. The proposal was seconded by Mr Plowman and was carried on a vote being taken: nine members were in favour of the proposal and five members were against it.

Decision

Defer for referral to the Secretary of State and, in the event of no call-in, then to permit with appropriate conditions.

[Note] This decision was contrary to the planning officer's recommendation]

[Note] At the end of this application there was a short adjournment from 11:31 to 11:46]

280 **D/15/01583/OUT - St Wilfrid's Hospice Grosvenor Road Donnington West Sussex PO19 8FP**

Miss Bell introduced this planning application for the demolition of an existing hospice and its replacement with 21 residential dwellings and made reference to a

sequence of slides consisting of (a) a location plan (relevant features identified); (b) a colour site proposal plan (details of access and layout including parking provision); (c) a colour access drawing; (d) colour elevation drawings; and (e) photographs of the site and its immediate vicinity.

Miss Bell summarised the following agenda update sheet entries for this application: (a) an amended plan; (b) clarification of inconsistencies within the report as to access road width; (c) amendment of condition 14 (parking provision); and (d) extra conditions 19 (public footpath connection points) and 20 (illumination of access/external areas).

The following members of the public addressed the Planning Committee:

- (a) Mr E Padley (Donnington Parish Council) – parish representative objecting to the application
- (b) Mr P Balaam – objector
- (c) Mr P White – agent for the applicant

Mr J Ridd, the Donnington ward member, addressed the Planning Committee objecting to the application.

Mr Hayes welcomed two West Sussex County Council Highways representatives, Mrs A Meeus (Assistant Planner Strategic Planning) and Mr T Townsend (Senior Planner Strategic Planning) who were present for this item to answer members' questions.

During the discussion Miss Bell, Mr Frost, Mrs Meeus and Mr Townsend responded to members' questions and comments on points of detail with regard to:

- (a) The use of different surface treatment and/or painted white lines for the access road in order to alert drivers to the presence of pedestrians.
- (b) The use of lighting on the fence.
- (c) The assessment of traffic impact as a result of this development.
- (d) The open space provision.
- (e) The need for signs to show that the existing public footpath along the north eastern boundary would also be a cycleway.

With regard to (a) and (e) officers advised respectively that there would be an additional condition 21 (surface treatment for access road) and that the additional condition 19 (public footpath connection points) mentioned in the agenda update sheet would be amended to require a cycle link from the site to Queens Avenue.

At the conclusion of the discussion the Planning Committee voted unanimously by 14 votes to nil and with no abstentions to approve the application.

Decision

Recommendation to **defer** for **section 106 agreement** then **permit** with **amended condition 14** (parking provision) and **new conditions 19** (public footpath and cycleway connection points), **20** (illumination of access/external areas) and **21** (access road surface treatment) agreed.

281 **BX/15/02463/FUL - Land South West of Rose Cottage A285 Redvins Road to Tinwood Lane Hainaker Boxgrove PO18 0NQ**

[**Note** Immediately prior to the commencement of this agenda item Mr Cullen and Mr Hall withdrew from the committee table and sat elsewhere in the Council Chamber for its duration, in accordance with their respective declarations of prejudicial interests made at the start of this meeting]

Mr Whitty introduced this planning application for the erection of a single storey one bedroomed dwelling. He made reference to a sequence of slides consisting of (a) location plans (identified relevant features); (b) photographs (various views); (c) a close-up location plan; and (d) a floor plan. He identified as the main issue the principle of development and sustainability (paras 8.2 to 8.6 in the agenda report). The other issues were: impact on (a) conservation area and surrounding area (paras 8.7 to 8.11); (b) setting of the adjacent listed building (paras 8.12 to 8.13); (c) amenity of neighbouring properties (paras 8.15 to 8.16); (d) highway network (para 8.17). The application gave rise to major conflicts with Policies 1 (Presumption in Favour of Sustainable Development), 2 (Development Strategy and Settlement Hierarchy) and 45 (Development in the Countryside) of the *Chichester Local Plan*. As explained in para 8.4 of the report, the policy context had altered significantly since the previous planning application (BX/14/01585/FUL) had been refused by the Planning Committee in November 2014.

Mr Whitty drew attention to the agenda update sheet which amended para 8.18 in the agenda report and thereby the reason for the refusal recommendation.

The following members of the public addressed the Planning Committee:

- (a) Mr M Bish (Boxgrove Parish Council) – parish representative in support
- (b) Mr M Woolston – supporter
- (c) Mr M Hall – supporter
- (d) Mr R Dollamore – on the applicant's behalf

Mr H C Potter, the Boxgrove ward member, addressed the Planning Committee in support of the application.

During the discussion a majority of members expressed support for the application. They felt that the proposed dwelling would be in a sustainable location, on a suitable

site, was a smaller property than the one refused permission in November 2014 and would be well-screened.

A minority of members considered that the application was contrary to policy, would detract from the appearance of the site and lacked an objective rationale (as opposed to the applicant's subjective desire to build the proposed dwelling). The site could always be re-examined in the context of the emerging Boxgrove neighbourhood development plan (NDP).

Mr Whitty and Mr Frost advised members with respect to their questions and comments. Among the points made were the following:

- (a) The policies in the very recently adopted *Chichester Local Plan* should be followed unless there were material considerations to the contrary which outweighed those policies. The *Chichester Local Plan* allowed the local planning authority to manage development through the allocation of sites (including NDPs and windfall sites within identified settlement boundaries). In addition the local planning authority had a current five-year housing land supply.
- (b) The emerging Boxgrove NDP and the current status of this site *vis-à-vis* it.
- (c) The proposed dwelling was for two bedrooms, one of which could also serve as a study.
- (d) The report (paras 8.2 to 8.6) explained why officers did not consider the proposal to constitute a sustainable form of development and that there was no overriding need for this site to be released for development.
- (e) The type of conditions which were appropriate for a grant of planning permission.

At the close of the discussion members voted on the officer recommendation to refuse, which was not supported: five members were in favour of refusal and seven members were against refusal.

It was proposed by Mr Dunn and seconded by Mrs Duncton that the application should be permitted on the grounds that the proposal was a sustainable form of development and that it related well to the nearby settlement of Boxgrove, thereby justifying a departure from the applicable policies within the *Chichester Local Plan*. On a vote being taken seven members were in favour of approving the application and five members were against.

Decision

Permit with the following conditions and informatives:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall be carried out in accordance with the approved plans: 01(A), 02(A), 03(A), 04(C), 05, 06(A) and 07.
- (3) No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the local planning authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building and where appropriate surfacing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with such approved materials and finishes.
- (4) Prior to installation details of the proposed external materials and finishes of the windows and doors shall be submitted to and approved in writing by the local planning authority. Once approved the windows and doors shall not be altered or replaced without the prior written approval of the local planning authority.
- (5) Before work begins on the development hereby permitted details of site levels and longitudinal and latitudinal sections through the site of the dwelling shall be submitted for the approval of the local planning authority in writing to show how the buildings shall be set into the ground. Once agreed the development shall be carried out in accordance with the approved details.
- (6) No development shall take place unless and until details of screen walls and/or fences along the northeast boundary of the site have been submitted to and approved in writing by the local planning authority and no dwelling shall be occupied until such screen walls and/or fences associated with them have been erected. Once erected they should be maintained in perpetuity unless otherwise agreed in writing by the local planning authority.
- (7) Development shall not commence until the details of the means of access and the junction, including visibility splays, between the proposed access and Park Lane have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the access, junction and visibility splay have been provided in accordance with the approved details and no structure, erection or obstruction exceeding 600mm in height shall be placed within the approved visibility splay so provided.
- (8) The entrance access gates hereby approved shall be inward opening only and prior to installation detailed elevational drawings of the entrance gates at a scale of not less than 1:20 shall be submitted to and approved in writing by the local planning authority. Once approved, the entrance access gates shall be installed and thereafter operated in accordance with the approved details.
- (9) No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the local planning authority

erected around each tree or group of vegetation at a radius from the bole or boles of five metres or such distance as may be agreed in writing by the local planning authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the local planning authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left un-severed. All in accordance with BS 5837:2012.

- (10) No development shall take place unless and until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.
- (11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- (12) The existing beech hedge along the southeast and southwest boundaries shall be retained and any part of the hedge which is removed without consent or dies or becomes severely damaged or diseased during a period of five years from the date of the completion of the development shall be replaced in the next planting season with a hedge of a similar size and species unless the local planning authority gives written consent to any variation.
- (13) The dwelling hereby permitted shall not be occupied until the car parking and turning areas together with the cycle and refuse bin storage facilities have been provided and laid out in accordance with the approved plans. Once provided, the parking and turning areas together with the cycle and refuse bin storage facilities shall be thereafter retained for the purposes of car parking and turning and for the and for the storage of cycles and refuse bins.
- (14) The driveway shall be constructed of porous materials and shall be retained in that condition.

- (15) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) Order 2015* (or any Order revoking and re-enacting or amending that *Order*) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building hereby approved shall be made or erected without a grant of planning permission from the local planning authority.
- (16) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) Order 2015* (or any Order revoking and re-enacting or amending that *Order*) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site other than as shown on the plans hereby permitted unless otherwise agreed in writing by the local planning authority.
- (17) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.
- (18) Prior to the commencement of the development a scheme providing full details and specifications of any external lighting to serve the approved development shall be submitted to and approved in writing by the local planning authority. Once approved, the external lighting shall be installed before prior to occupation of the hereby permitted dwelling and thereafter retained and operated in accordance with the approved scheme.
- (19) INFORMATIVE The local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the *National Planning Policy Framework*.
- (20) INFORMATIVE The developer's attention is drawn to the provisions of the *Wildlife and Countryside Act 1981*, the *Conservation (Natural Habitats etc) Regulations 1994*, and to other wildlife legislation (for example *Protection of Badgers Act 1992*, *Wild Mammals Protection Act 1996*). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders,

grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England. The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England at Natural England Sussex and Surrey Team Guildbourne House Chatsworth Road Worthing West Sussex BN11 1LD 0300 0600300 enquiries@naturalengland.org.uk for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

[Note This decision was contrary to the planning officer's recommendation]

[Note At the end of this application there was a lunch adjournment from 13:12 to 13:43]

[Note At the conclusion of this agenda item Mr Cullen and Mr Hall resumed their seats at the committee table]

[Note At 13:26 during the lunch adjournment Mr Elliott left East Pallant House for another commitment and was absent from the meeting from its resumption at 13:43 until he returned at 14:45 during agenda item 10 (CH/15/02332/FUL Land North of The Avenue Hambrook Chidham PO18 8TZ)]

282 **CC/14/03681/REG3 - Plot 21 Terminus Road Chichester West Sussex PO19 8UH**

This proposal had been referred to the Planning Committee for determination because the applicant was Chichester District Council.

Mrs Langford introduced this application for outline planning permission for up to five B2/B8 commercial units with ancillary trade counter use and associated car parking and servicing (total floor-space circa 2,200m²). She explained the proposal for what was one of the key industrial areas of the city with reference to various slides shown on the screens: (a) an aerial photograph of the site and its surroundings with a zoom-in image of the site (the proposal and situation were explained); (b) photographs of the exterior and interior of the existing building; (c) an existing/proposed site plan; (d) a plan showing tracking for large vehicles and parking places with photographs of similar business units in the area; (e) illustrative elevations provided by the applicant. The issues of access, layout and scale were for consideration at this stage; appearance and landscaping were reserved matters.

The agenda update sheet reported (i) a consultation response from West Sussex County Council Local Development Division which had been erroneously omitted from the agenda report but had been taken into account during the planning officer's assessment and (ii) amendments to conditions 4 (demolition and construction management), 6 (surface water drainage details), 10 (reconstruction of access) and 12 (cycle parking provided).

No members of the public addressed the Planning Committee.

During the short discussion members spoke in support of the scheme.

Mrs Langford answered members' questions on points of detail regarding (a) the reason for there being no TAD infrastructure requirement, (b) the development being exempt from the Community Infrastructure Levy - any site specific works would be covered by a section 106 agreement if required and (c) the potential to merge two units by removing internal partition walls.

The Planning Committee voted unanimously to approve the application namely by 13 votes to nil with no abstentions.

Decision

Recommendation to **permit** with **amended conditions 4** (demolition and construction management), **6** (surface water drainage details), **10** (reconstruction of access) and **12** (cycle parking provided) agreed.

283 CC/15/02466/DOM - 119 Cedar Drive Chichester West Sussex PO19 3EL

Mr Whitty presented this planning application for the demolition of an existing garage and the construction of a rear extension and replacement roof. He explained the proposal with reference to a series of slides shown on the screens: (a) a location plan; (b) a site plan with a close-up of the location plan; (c) photographs of Cedar Drive and the subject and neighbouring properties; (d) existing and proposed plans; and (e) a floor plan.

There were no entries in the agenda update sheet for this item

The following members of the public addressed the Planning Committee:

- Mrs C Mendoza – objector
- Mr D Telfer – applicant

Mr Plowman commenced the debate by explaining why he had issued a red card for this application. He was concerned that the development (which was not an isolated example) would change the character of the street-scene. The loss of this type of valuable housing stock was to be regretted and would not be replaced. The character of Parklands was undergoing negative change as bungalows were being converted into houses.

During the debate, save for Mr Plowman all the other members who spoke expressed their approval of the proposal, which they considered would enhance and not detract from the character of the area. It was felt that the housing mix in the street was eclectic; the area had been slowly evolving and there were examples of properties nearby which had been extended.

Mr Whitty commented on the issue of overlooking which had been raised by the objector who had addressed the meeting and queried by a member. Paras 8.8 to

8.11 covered the matter and explained why officers did not consider that the development would create any unacceptable impact as a result of *inter alia* overlooking.

Mr Frost drew attention to the policies in the *Chichester Local Plan* which were in favour of a mix of units.

At the conclusion of the debate all but one of the 12 members of the Planning Committee who were present voted in favour of the application; Mr Plowman voted against.

Decision

Recommendation to **permit** agreed.

284 **CH/15/02332/FUL - Land North of The Avenue Hambrook Chidham PO18 8TZ**

Mr Whitty introduced this planning application for the erection of six dwellings and associated works. In doing so he showed members slides on the screens consisting of (a) a location plan; (b) a site plan (summary of planning history); (c) a colour site plan (proposed units); (d) a colour drainage/surface water plan (system details and ability of vehicles to turn on site); (e) photographs (various views); and (f) colour elevation drawings for specific plots. He explained that officers were recommending this back-land site proposal for approval having regard to its being an appropriate and sustainable location for a small-scale yet relatively comprehensive scheme. The principle of development having been considered acceptable, there were no material considerations which outweighed that assessment ie design and impact upon character of the surrounding area and/or neighbouring properties, drainage, highway safety, and aboricultural and ecological considerations.

The agenda update sheet contained the following entries: (a) amendments to the application; (b) further supporting information from the applicant; and (c) an amended condition 5 (drainage ditch easement).

The following members of the public addressed the Planning Committee:

(a) Mr C Archer (Chidham and Hambrook Parish Council) – parish representative objecting to the application

(b) Mr P Barry – agent for the applicant

During the debate a majority of members expressed concerns about the application to the extent that they did not feel able to support it. The following points were mentioned:

(a) The development was not only and obviously in-filling but it was a regrettable example of 'garden-grabbing'.

(b) The urban character of the scheme was inappropriate for this location of what had been designed and laid out as individual properties in large plots. It

would result in an internal, land-locked group of houses which would be out of character with the area and it would constitute a pocket of high density. If permitted it would create a precedent for even more of this kind of development.

- (c) The parish had had more than its fair share of housing in the last five years without the requisite level of infrastructure to support it. The concerns of the local parish council in this regard (as well as others) were set out on pages 72 and 73 of the agenda report.
- (d) The continuing unresolved foul drainage problems experienced by residents (caused in large part by rainwater infiltration in an area of inferior drainage) which would be exacerbated by this development. The efficacy of the proposed arrangements was questionable.
- (e) The familiar parking congestion on The Avenue was noticeably absent from a photograph shown on the screen.
- (f) The safety to risk to children who would exit from the houses straight onto the access road.
- (g) The emerging Chidham and Hambrook neighbourhood development plan (NDP) did not envisage this site as suitable for development.

Mr Whitty and Mr Frost responded to members' questions and comments with regard to:

- (a) The character of the area and the existing level of back-land development.
- (b) The housing allocation for the parish in the *Chichester Local Plan* was to be viewed as a minimum.
- (c) The expert advice received from Chichester District Council's drainage engineer.
- (d) The parking situation in The Avenue: two visits during the day had shown a low level of parked vehicles, which was when the refuse/recycling vehicles would use the road.
- (e) The recommended conditions did not include one for bin and bicycle storage but such a condition could be included.
- (f) The use of back-land development was not precluded by the *Chichester Local Plan*. This proposal was to be regarded as a windfall site and so the number of houses built would count towards the Chidham and Hambrook NDP although the NDP had already more than met its housing target. In the last two to three years most of the development in the parish had been on greenfield sites outside the settlement boundary; that would not be the case with this proposal. Whilst it was possible that if this site were to be developed the land on either side of it could subsequently be the subject of similar

development proposals, the Planning Committee would consider those on their merits at the relevant time and that possibility was not relevant to the determination of this proposal.

- (g) The refusal of this application on statutory consultee grounds was not justified on the evidence. It was incumbent on members to show how on the evidence this proposal would have an adverse impact on the character of the area. The site was within Flood Zone 1 and so Policy 42 in the *Chichester Local Plan* was not applicable.

At the conclusion of the discussion the Planning Committee voted on the officer recommendation to defer for a section 106 agreement and then permit: three members were in support thereof and eight were against and so the application was not approved.

Members then discussed with advice from officers potential reasons for a refusal of the application. The consensus was in favour of including as reasons for refusal both adverse impact on the character of the area and inadequate foul and surface water drainage infrastructure.

Members voted first of all on whether to include infrastructure as a reason for refusal. Eight members were in favour of including this as a reason and four members were opposed.

It was then proposed by Mr Oakley and seconded by Mr Cullen that the application should be refused on the following two grounds: (1) an unacceptable level of over intensive back-land development which would harm the character of the area and (2) unsatisfactory foul and surface water proposals which it had not been shown would lead to increased flood risk elsewhere.

The Planning Committee then voted on that proposal: on a show of hands nine members supported the proposal and three members were against it.

Decision

Refuse for the following reasons:

- (1) The proposed development by virtue of its back-land position and the intensive nature of the development, including the noise and activity generated by the use of the access, would have an adverse impact upon the character of the surrounding area. The proposal would therefore be contrary to Policies 1, 33 and 40 of the *Chichester Local Plan: Key Policies 2014-2029* and paragraphs 17, 56, 58 and 61 of the *National Planning Policy Framework*.
- (2) Insufficient information has been submitted to demonstrate that the local drainage infrastructure would be able to accommodate the proposed development or that the foul and surface water drainage proposals would be satisfactory and would not lead to increased flood risk elsewhere. The proposal would therefore be contrary to policies 1, 40 and 42 of the

Chichester Local Plan Key Policies 2014-2029 and paragraphs 17, 93, 99 and 103 of the *National Planning Policy Framework*.

[Note] This decision was contrary to the planning officer's recommendation]

[Note] Mrs Kilby left the meeting just before the aforementioned vote was taken and did not return for its remainder of its duration]

[Note] There was a short adjournment at the end of this item between 15:10 and 15:20]

285 TG/15/02310/OUT - 31 Tangmere Road Tangmere West Sussex PO20 2HR

Mr Whitty presented this planning application for the construction of three dwellings and associated works. He described the proposal with reference to slides shown on the screens namely (a) a location plan; (b) a colour site proposal plan; (c) photographs (various views) and elevations.

The agenda update sheet reported:

- (a) the substitution of a new para 6.1 in the agenda report: the comments previously attributed to Tangmere Parish Council were in fact those of a third party;
- (b) the receipt of additional consultations/details: Environment Agency and applicant's supporting information;
- (c) the supply of further planning assessment of the proposal with respect to the impact on heritage assets, housing land supply and waste water disposal.

Mr Whitty advised that the recommendation was now simply one of permit ie without a deferral for a section 106 agreement.

The following members of the public addressed the Planning Committee:

- (a) Mr B Wood (Tangmere Parish Council) – parish representative objecting to the application
- (b) Mrs K Simmons – agent for the applicant

During the debate several members expressed concerns about the proposal, which included the following reasons for opposing the grant of planning permission:

- (a) The proposed development would involve the loss of what was a prominent, distinctive and well-maintained dwelling-house at the entrance or gateway to the village and would have an adverse impact on the character of the area; the site formed part of the estate on the west side of Tangmere Road.
- (b) The Policies 33 (New Residential Development) and 47 (Heritage and Design) of the *Chichester Local Plan* gave weight to protect the character of

the area (which would be adversely harmed by this development) and the type of dwelling of which the existing property was an example. If the current dwelling-house were to be demolished (which would be regrettable) it was hard to see how similar proposals could be resisted. It was, therefore, important to hold the line by refusing this application.

- (c) The proposal would amount to overdevelopment of the site.
- (d) The doubts about the adequacy of the foul and surface water infrastructure did not favour approving the application. There was insufficient evidence that Southern Water had assessed (as opposed to not objecting to) the adequacy of foul drainage arrangements.
- (e) The parking congestion on Edwards Avenue was already noticeable and Tangmere Road was a well-used C-class road. The adverse impact of the development on these roads and there were doubts about the adequacy of on-site turning.

Mr Whitty answered members' questions and comments on points of detail with respect to the following matters:

- (a) The opinion of the Historic Buildings Adviser as reported in the agenda update sheet, which included the fact that planning permission would not be required for demolition (only prior approval as to the method of demolition and proposed restoration of the site).
- (b) The fact there was a varied street-scene and the character of the area would not be harmed by the proposal.
- (c) The property had not been very sympathetically extended in the past and refusal could not be justified on the basis that this was a perfectly usable property.
- (d) The land should enable on-site turning arrangements: the question was how that would be achieved and the relevant condition could be strengthened to require further details.
- (e) The absence of an objection by Southern Water should be regarded as decisive with respect to infrastructure capacity.
- (f) The plans for this application were the submitted plans – location, site layout and indicative height and scale; typically there were few plans in the case of an outline planning application.
- (g) The details of how the demolition of this non-protected building and the restoration of the land would be achieved were not relevant matters for this application.

At the conclusion of the debate six members of the Planning Committee voted in favour of the proposal and six voted against it. Mr Hayes then exercised his casting

vote in accordance with how he voted previously so that the majority in favour of approving the application was seven members in favour of it and six against it.

Recommendation to **permit** with a reference to the approved plans to be included in condition 3 (no departure from plans – all aspects) agreed.

286 **WE/15/01901/FUL - Land to North of Hill House Hambrook Hill North Hambrook West Sussex**

Mr Saunders presented this planning application to remove redundant horse shelter and stores and replace with modern stabling (re-submission of WE/14/02789/FUL) and drew attention to a sequence of slides consisting of (a) aerial photographs (one with a zoom image); (b) a site plan; (c) photographs (various views); and (d) proposal plans. In reply to a member's clarification question he advised that all but one of the existing buildings would be removed; the field shelter would be retained.

There were no entries in the agenda update sheet in respect of this application.

The following member of the public addressed the Planning Committee:

- Mr R Briscoe (Westbourne Parish Council) – parish representative objecting to the application.

During the discussion a majority of members expressed concerns about the application with reference to the allegedly observed unsatisfactory condition and care of the animals kept in the field, the size and suitability of the land for the proposed use having regard to para 1 of Policy 55 (Equestrian Development) in the *Chichester Local Plan* ie overdevelopment, and the justification for a stable of the proposed size in any event given the number of the animals on the site and particularly in view of the retention of the field shelter. It was questioned whether this type of upgrade was necessary and there was speculation as to what might be the ultimate intended use of the site. The details of construction of the proposed modern stabling were queried.

In reply to members' questions and comments Mr Saunders advised with respect to:

- (a) The number of animals which would be kept on the site if approval were to be granted: three ie the existing horse and donkey and an additional horse. .
- (b) The British Horse Society guidance was precisely that – there were various variables such as what a horse ate, its size, the time of the year and weather – and its advice that there should be two horses kept to a hectare should be interpreted accordingly. The applicant owned other land to the south of the site.
- (c) The details of the existing and proposed buildings and the dimensions of the site.
- (d) The potential for the conversion of the proposed stable to an alternative use would be the subject of planning control and condition 4 (stable – no commercial use) was being recommended.

At the conclusion of the discussion the Planning Committee voted first of all on the officer recommendation to permit: five members were in favour of permitting and seven were against it. The recommendation was not, therefore, carried.

It was then proposed by Mr Oakley and duly seconded by Mrs Tassell that the application should be refused on the grounds of overdevelopment of the site and hence non-compliance with para 1 of Policy 55 of the *Chichester Local Plan* namely inadequate land for the number of horses to be kept on it.

Refuse for the following reason:

The removal of a redundant horse shelter and stores and erection of modern stabling would by reason of its size and siting on a paddock of a size well below the standards set out by the British Horse Society for the Keeping of Horses result in an overdevelopment of the site of a structure of excessive size, detrimental to the welfare of the animals to be kept on site. As such the proposal would be contrary to Policy 55 of the *Chichester Local Plan: Key Policies 2014-2029*.

[**Note** This decision was contrary to the planning officer's recommendation]

287 **WW/15/02020/FUL - 10 Windsor Drive West Wittering West Sussex PO20 8EG**

Mr Saunders introduced this application for a change of use of amenity land to garden land and erection of fencing, which he explained with reference to a series of slides shown on the screens: (a) an aerial photograph of the site and its surroundings and (b) photographs (various views of Windsor Drive and Harrow Drive and its overall open plan layout, the amenity strip, corner plots where landowners had introduced boundary treatment and the type of fencing which was being proposed). The basis for the recommendation to permit was set out in 8.2 to 8.6 and 8.8 of the agenda report.

The agenda update sheet reported an amendment to para 3.1 of the report.

The following member of the public addressed the Planning Committee:

(a)Mr K Martin (West Wittering Parish Council) – parish representative objecting to the application.

During the discussion some members objected to the proposal, principally because it would detract (especially being on a corner plot) from the character and appearance of the open layout of this estate (a feature supported in the village design statement) and would set an undesirable precedent for others to follow suit. Some expressed reservations about the need for the proposal in view of the modest amount of land which would be enclosed and the type of boundary treatment ie a fence rather than a wall – the latter was felt, as between the two, to be more appropriate.

Mr Whitty and Mr Frost answered questions on points of detail regarding what was meant by amenity land; the ownership of this piece of amenity land; the extent of the

land which the fence would enclose (the side and the rear); the fact that the planting of, say, a privet hedge would not require planning permission (it would not amount to development); the irrelevance of the applicant's motives for wishing to enclose the land; and the imposition of a condition to require a wall to be erected in place of a fence would be a fairly substantial change to the application which ought to be addressed by negotiation with the applicant.

It was proposed by Mrs Tull and seconded by Mr Dunn that the application should be delegated to officers to negotiate with the applicant for a wall to be erected instead of a fence. The proposal was carried on a vote being taken: eight members voted in favour and four members were against.

Delegate to officers to negotiate with the applicant for a wall to be erected instead of a fence and then permit.

[**Note** This decision was at variance with the planning officer's recommendation]

288 **WW/15/02066/FUL - Recreation Ground Rookwood Road West Wittering West Sussex**

Mr Whitty presented this application which was a resubmission of application WW/14/ 01522/FUL namely the installation of two full-sized tennis courts within the sports field curtilage situated adjacent to the existing play park. During his commentary members viewed a set of slides shown on the screens: (a) an aerial photograph of the site and its surroundings (relevant features identified); (b) photographs (varied perspectives); (c) a location plan. The consultation response received from Sport England was summarised: its objection was based on the loss of a playing field without the new tennis courts being served by artificial sports lighting.

The agenda update sheet reported an amendment to the recommendation by virtue of the objection raised by Sport England, the text of which had been altered from permit to the following: 'Defer for referral to the secretary of state and, in the event of no call-in, permit'.

The following members of the public addressed the Planning Committee:

(a) Mr K Martin – objector

(b) Mr B Buckland – on behalf of the applicant

During the short discussion three members spoke in support of the scheme.

The Planning Committee voted to approve the application: 11 members were in favour and there was one abstention.

Recommendation to **defer** for **referral** to the **secretary of state** and, if **no call-in**, then **permit** agreed.

289 **WW/15/02328/REG3 - East Head Snow Hill West Wittering West Sussex**

Mrs Langford described this application by Chichester District Council to recycle up to 3,000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit. During her presentation she drew attention to a sequence of slides displayed on the screens: (a) an aerial photograph of the site and an aerial zoom image (the nature, purpose and implementation of this proposal were explained – this being one of a series of periodic applications to reinforce the spit); (b) photographs; (c) contour graphs. She said that in short it was a relatively small project to recharge the beach in an area of vulnerability.

The agenda update sheet contained no entries in respect of this application.

One member of the public addressed the Planning Committee:

(a) Mr D Lowsley – on behalf of the applicant

During the short discussion members spoke in support of the scheme.

Mr Hayes exercised his discretion to allow Mr Lowsley to answer a question on a technical point of detail regarding shingle migration: this would not occur on West Wittering beaches.

Mrs Langford gave advice in reply to a question about planting on the proposed low shingle bank: none was proposed in what was a very delicate ecological area.

The Planning Committee unanimously approved the application: there were 12 votes in favour, none against and no abstentions.

Recommendation to **permit** agreed.

290 **SDNP/15/02781/CND - Fuel Care 10 Midhurst Road Fernhurst Midhurst West Sussex GU27 3EE**

Mr Saunders outlined this application for the variation of condition 2 of planning application SDNP/13/05945/FUL to accommodate the minor change in the siting of plot 1 relative to the southern boundary together with a minor increase in the widths of plots 1 and 4. In the course of his opening he referred members to slides shown on the screens: (a) plans and (b) photographs (external and internal).

Mr Saunders identified and summarised the three salient issues with respect to this proposal: (a) the impact of the development on the character and appearance of the area; (b) the effect on the living conditions of nearby properties; and (c) the effect of the revised siting on the protected Horse Chestnut tree. Each of those issues was assessed in section 8 of the agenda report.

The agenda update sheet contained no entries in respect of this application.

No members of the public addressed the Planning Committee.

Mrs P A Hardwick, one of the two Fernhurst ward members, addressed the Planning Committee on behalf of her fellow ward member Mrs N D Graves and for herself, expressing local disquiet at the way in which there had been departures from the plans for the scheme which was the subject of planning application SDNP/13/05945/FUL. Whilst not objecting to this application or wishing to seek enforcement action to be taken, she said that the two ward members wished to emphasise the importance of adhering to plans.

The application was not debated by members.

The Planning Committee voted by a majority to approve the application: ten members were in favour, one was against and there was one abstention.

Recommendation to **approve** agreed.

291 **Schedule of Planning Appeals, Court and Policy Matters**

The Planning Committee considered and noted the schedule of planning appeals, court and policy matters circulated with the agenda (copy attached to the official minutes).

The agenda update sheet contained the following entries regarding section 6 (Court and Other Matters) of this schedule (pages 146 and 147 of the agenda):

(a) Injunction - Land at Premier Site Birdham Road

(b) Injunction – Land at Scant Road East

(c) Prosecution – The Barnyard

No member had notified Mr Hayes in advance of this meeting of any point for mention.

In reply to a question by Mr Oakley about the required resources in order to pursue the injunction proceedings in respect of (a) above, Mrs Archer said that these were adequate despite the enforcement team having two unfilled officer vacancies and she remarked that the delays were caused by the court system.

There was no discussion of this agenda item.

292 **Land North West of Decoy Farm House Decoy Lane Oving West Sussex - 03/00173/CONMHC - Non-Compliance with Two Enforcement Notices Issued under Section 172 of the Town and Country Planning Act 1990**

The Planning Committee considered the agenda report with respect to this matter (copy attached to the official minutes) and also (within Part II after the exclusion of

the press and public – see minute 294 below) its confidential appendix which had been circulated only to members and relevant officers.

Mrs Archer presented the report. She referred to the lengthy planning history since 2003 and the fact that a second conviction in March 2015 had not persuaded the landowners to begin at long last to comply with the long outstanding enforcement notices EN O/11 and EN O/12. Accordingly officers had concluded that of the available options for enforcement action set out in section 4 of the report it was now appropriate to take direct action under section 219 of the *Town and Country Planning Act 1990*. She outlined the process to be followed when taking direct action.

Members supported the option of taking direct action but wished to ask Mrs Archer questions on points of detail about the exempt financial information in the confidential appendix.

In order to do so a resolution for the meeting to go into Part II was first made. This was unanimously agreed following a proposal by Mrs Tull and seconded by Mr Oakley. The resolution appears in minute 294 below.

At the end of the Part II discussion the meeting resumed its session within Part I and the Planning Committee voted unanimously in favour of the recommendations in paras 2.1 and 2.2 of the agenda report.

RESOLVED

That the Planning Committee approves the taking of direct action under section 219 of the *Town and Country Planning Act 1990* to secure compliance with enforcement notices EN 011 and EN O12.

RECOMMENDATION TO THE CABINET

That the Cabinet approves the instruction of the contractor on page 156 of the confidential Part II appendix to the agenda report to undertake the specified actions in the enforcement notices and a budget of £20,000 to fund this work. .

293 Late Items

There were no late items for urgent consideration at this meeting.

294 Exclusion of the Press and Public

As stated in the foregoing minute 292, during the consideration of agenda item 18 (Land North West of Decoy Farmhouse Decoy Lane Oving West Sussex O3/00173/CONMHC Non-Compliance with Two Enforcement Notices Issued under Section 172 of the *Town and Country Planning Act 1990*) the Planning Committee resolved that the meeting should move into Part II in order to consider the exempt financial information in the appendix to the agenda report.

It was proposed by Mrs Tull and seconded by Mr Oakley that the press and public should be excluded from the meeting for the aforesaid purpose. On a vote being taken by a show of hands the Planning Committee was unanimously in favour.

RESOLVED

That in respect of the consideration of the appendix (exempt financial information) to the report for agenda item 18 (Land North West of Decoy Farm House Decoy Lane Oving West Sussex – 03/00173/CONMHC – Non-compliance with Two Enforcement Notices Issued under Section 172 of the *Town and Country Planning Act 1990*) the public and the press be excluded from the meeting on the grounds of exemption under Part 3 of Schedule 12A to the *Local Government Act 1972* namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and because, in the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

[Note The meeting ended at 17:40]

CHAIRMAN

DATE