



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 9 June 2021 at 9.30 am

**Members Present:** Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr R Plowman, Mr H Potter, Mr P Wilding, Mr D Rodgers and Mrs S Sharp

**Members not present:**

**In attendance by invitation:**

**Officers present:** Miss N Golding (Principal Solicitor), Mr T Whitty (Divisional Manager for Development Management), Mrs J Bell (Development Manager (Majors and Business)), Ms F Stevens (Development Manager (Applications)), Mr D Price (Principal Planning Officer), Mr M Mew (Principal Planning Officer), Mr P Thomson (Environmental Health Officer) and Mrs F Baker (Democratic Services Manager)

## 58 **Chair's Announcements**

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

The Chairman read out a statement prepared by Mr Nicholas Bennett, Monitoring Officer, which explained the physical measures put in place to comply with current legal requirements, including screens and the use of masks.

Apologies were received from Mrs Judy Fowler.

## 59 **Approval of Minutes**

The Chairman drew the Committee's attention to the Agenda update sheet which set out the following amendment's to the minutes;

- Minute Item 48 (page 5 of Agenda pack)

*In a vote Members agreed the recommendation to permit.*

*Permit*

- Minute Item 49 (page 7 of Agenda Pack)

*In a vote Members agreed the recommendation to permit.*

*Recommendation to Permit agreed subject to no objection being received from the water authority and the conditions and informatives set out in the report.*

- Minute Item 52 (page 12 of Agenda Pack)

*Paragraph 3, 5th line; ...however, to comply with the Governments ...*

*Paragraph 5, 9th line; ... the reason for this was to clarify the situation regarding the lawful use of the land as a whole.*

The minutes of 5 May 2021 were agreed as a true and accurate record.

## 60 **Urgent Items**

There were no urgent items.

## 61 **Declarations of Interests**

Mr Briscoe declared a personal interest in respect of WE/20/01569/FUL as a member of Westbourne Parish Council

Mrs Johnson declared a personal interest in respect of;

- WW/20/02491/OUT as a member of West Sussex County Council
- WE/20/01569/FUL as a member of West Sussex County Council
- CC/21/00115/FUL as a member of West Sussex County Council

Mr Oakley declared a personal interest in respect of;

- WW/20/02491/OUT as a member of West Sussex County Council
- WE/20/01569/FUL as a member of West Sussex County Council
- CC/21/00115/FUL as a member of West Sussex County Council

Mr Potter declared a personal interest in respect of;

- WE/20/01569/FUL as the Chichester District Council external representative to the South Downs National Park Authority
- SDNP/20/01158/FUL as the Chichester District Council external representative to the South Downs National Park Authority

Mr Plowman declared a personal interest in respect of;

- CC/21/00115/FUL as a member of Chichester City Council
- CC/20/01590/DOM as a member of Chichester City Council

Mrs Sharp declared a personal interest in respect of;

- WW/20/02491/OUT as a member of Chichester City Council and as a member of West Sussex County Council.
- WE/20/01569/FUL as a member of West Sussex County Council
- CC/21/00115/FUL as a member of Chichester City Council and as a member of West Sussex County Council
- CC/20/01590/DOM as a member of Chichester City Council

**62 WW/20/02491/OUT Land To The West Of Church Road, Church Road, West Wittering, West Sussex (9.35am approximate start time)**

Ms Bell presented the report to the Committee. She drew Members' attention the update sheet and the following addendums to the report, which included further representations and amendments to proposed conditions

Ms Bell highlighted the site location to the Committee and explained that whilst the application site fell within the parish of West Wittering, it was located along the parish boundary with East Wittering and Bracklesham Parish Council, lying just 50m from the settlement boundary of East Wittering; whilst not contiguous with the settlement boundary officers had considered the application to be adjacent to and contiguous with the settlement of East Wittering.

Ms Bell informed the Committee that the site was identified in the HELAA.

Ms Bell explained that the application was an outline application with all matters reserved except for access, the issues of appearance, scale, landscape and layout were all for the consideration of future Reserved Matters applications. The application was seeking approval for 70 dwellings of which 30% would be affordable.

Ms Bell explained that due to the council not having a five year housing supply, and the Local Plan being out of date the Planning Authority is required to apply the 'Tilted Balance' methodology as set out in 11(b) of the National Planning Policy Framework (NPPF).

The Committee received the following representations;

Rob Hutton, West Wittering Parish Council – Statement read by Mrs Fiona Baker  
 East Wittering Parish Council – the Chairman informed the Committee that she had used her discretion to allow EPC to address the Committee given the application site and its proximity to the Parish - Statement read by Mrs Fiona Baker  
 Mrs Lisa Clark – Objector – Statement read by Mrs Fiona Baker  
 Mr George Thomas – Objector – Statement read by Mrs Fiona Baker  
 Ms Juliet Johnson – Objector – Statement read by Mrs Fiona Baker  
 Miss Katie Lamb – Agent – Statement read by Mrs Fiona Baker

Officers responded to Members' comments and questions as follows;

On the matter of concerns regarding sewage; Ms Bell informed the Committee that Southern Water were the statutory consultee for this issue. Whilst acknowledging the concerns raised by the Committee, Ms Bell explained that as the statutory

consultee Southern Water had raised no concerns and confirmed that they have the capacity to accommodate the increase in sewage from the site. In addition, Mr Whitty advised the Committee that if they were to refuse the application over concerns regarding sewage the authority would have no conclusive evidence to present in support of this claim at appeal, meaning that it would likely be afforded little weight by the Planning Inspectorate.

On the matter of flood risk and high water table; Ms Bell referred to a recent correspondence with the Environment Agency. The Environment Agency confirmed that since the Sandpiper Walk application there had been a significant amount of modelling and updating work completed during 2015. This had been done to better understand the risk of fluvial flooding. Following the completion of this work the application site was changed from being in a flood zone 2 (apart from one small area), to being in flood zone 1. The Environment Agency has confirmed that the information officers have referred to is the correct and most up to date information available.

On the matter of the HELAA; Ms Bell explained that this referred to the Strategic Flood Risk Assessment (SFRA) which was commissioned by Chichester District Council as part of the Local Plan Review. The SFRA was completed in 2018 and was used to inform the HELAA in 2020, the application site did form part of a larger site identified within the HELAA but was discounted due to climate change flood risk identified at the time. However, it has transpired that when the 2018 SFRA was completed it had not taken account of all the correct data sets from the Environment Agency. The SFRA was updated on the Council website during March 2021, this update has meant that the site is now included in the HELAA 2021.

On the matter of flooding; Mr Whitty confirmed that the amended 2018 SFRA was correct and was the only substantive piece of evidence (with regards to flooding) that the Committee could base their decision on. Mr Whitty advised that the Committee cannot make a decision based on future evidence that may become available.

On the matter of surface water; Ms Bell acknowledged that there was limited infiltration on the site and pooling did occur, and these were issues that the developer must address. A substantial attenuation pond is proposed as part of the development, which would flow into the current drainage network. With regard to the maintenance and management of the ditch network at the site Ms Bell confirmed that this would be secured through condition.

On the matter of education, Ms Bell explained that WSCC were the education authority and education contributions would be taken through CIL.

On the matter of LIDAR mapping; Ms Bell could not confirm if the land had been LIDAR mapped, however, she informed the Committee that there was a condition to address levels and confirmed that updates could be included within condition 4 to request survey information and impose a restriction of two storeys for the building height. With regards to finished floor levels Ms Bell explained that this was already addressed in condition 30 and advised that there was no need to also include it within condition 4.

On the matter of why the development had not been proposed on a nearby available brownfield site; Mr Whitty explained that whilst such sites could be promoted through the Local Plan and Neighbourhood plans, the Planning Authority cannot require that a developer considers one site instead of another. The existence of a brownfield site in close proximity to the proposed site is not a material consideration for the Committee.

On the matter of employment; Mr Whitty acknowledged concerns raised by the Committee, but advised that their concerns were based on speculation and could not be presented as tangible evidence at an appeal.

On the matter of the landscape study; Mr Whitty advised the Committee that whilst they should consider the officer report, they were free to make their own conclusions regarding the landscape impact of the development.

On the matter of the five year housing supply; Mr Whitty informed the Committee that the authority currently has a 4.3 year housing supply. In terms of weight, this is a significant consideration that the Committee should take into account when considering the application.

On the matter of Highways England; Mr Whitty acknowledged that the Highways England scheme did need updating; this was currently being addressed by the Planning Policy team. Mr Whitty, advised the Committee that for the purpose of the application being considered they must decide whether to disregard the scheme which would mean no financial contribution is collected, or they keep the scheme currently in place and require a contribution for improvements.

Mr Whitty acknowledged that the applicant had incorrectly stated that the application site was located within the boundaries of East Wittering and Bracklesham Parish Council; however, this had been amended and advised that this was not a material consideration.

On the matter of the site being identified as a development site within the Local Plan; Ms Bell explained that only strategic sites were considered as part of the Local Plan Review, and confirmed that this site was not allocated.

On the matter of sites being considered in isolation; Mr Whitty explained that sites were considered on their own individual merits, but stressed that they were not considered in isolation. Consultees and planning advisors do consider the cumulative impact of a proposed development against existing permissions, what they cannot take into account is the impact from potential application sites that have no substantive permission for development.

On the matter of sub division of the site; Mr Whitty confirmed that the site had not been sub divided in a way which resulted in material harm to the planning considerations.

On the matter of a sequential test for flooding; Ms Bell explained that as the site was located in flood zone 1 there was no requirement for a sequential test for flooding to be undertaken.

With regards to Water Voles, Ms Bell confirmed that this matter was addressed through Condition 13.

With regards to the IPS; Ms Bell explained that the document is used to demonstrate to the Planning Inspectorate that the authority is taking its five year housing supply seriously; it is not designed to be used for strategic sites such as White House Farm which are addressed through the Local Plan Review.

On the matter of car clubs; Ms Bell informed the Committee that she would have to refer to WSCC for detail, however, from experience they only put forward schemes that are achievable.

Mr Whitty advised the Committee that as the Planning Authority it is their duty to consult with specialist agencies such as; Southern Water, Natural England and the Environment Agency, if the authority chooses to dismiss or go against the advice provided by statutory agents then it will have no evidence to substantiate such a decision and it will likely be dismissed at appeal. Whilst issues such as landscape character are more subjective and do not require consultation with a specialist authority, the Committee must still consider what evidence the authority would present at appeal. He advised that if the Committee were concerned about representations received from the statutory consultees they should look to defer the application to seek further clarification, as opposed to refuse.

Mr Briscoe proposed that the decision be deferred, this was not seconded.

*\*Mr Oakley left the meeting at 11.50am*

Mr Barrett proposed (following advice from Mr Whitty on the grounds for refusal) that Committee refuse the application against officer recommendation, on the grounds of;

- The unsustainable nature of the site; both on the Manhood Peninsula and the periphery of settlement edge in respect of facilities.
- That the density and character of the site will have a harmful impact on the existing settlement.

This was seconded by Cllr Potter

Following a vote the Committee agreed to **refuse** the application against officer recommendation.

Recommendation **refuse** against officer recommendation for the following reasons;

- The unsustainable nature of the site; both on the Manhood Peninsula and the periphery of settlement edge in respect of facilities.

- That the density and character of the site will have a harmful impact on the existing settlement.

*\*Members took a ten minute break*

63 **WE/20/01569/FUL Land South Of Foxbury Lane, Foxbury Lane, Westbourne, West Sussex, PO10 8RG (10.35am approximate start time)**

Mr Mew presented the report to the Committee.

Mr Mew informed the Committee that whilst the proposed site location was outside the settlement boundary and not in a location that would normally be considered for the construction of a dwelling, the application was being put forward under paragraph 79(e) of the National Planning Policy Framework (NPPF);

*'79(e) the design is of exceptional quality, in that it:*

- *Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.'*

He confirmed that the application does meet the criteria to be considered under paragraph 79(e). In addition he informed the Committee that the applicant had incorporated advice of two Independent Design Review panels as part of the application process, both of which concluded that the design met the criteria of paragraph 79(e). Mr Mew reminded the Committee that under paragraph 129 of the NPPF the advice of the design review was a material consideration.

The Committee received the following speakers;

Mr Richard Hitchcock, Chairman Westbourne Parish Council – Parish Council  
(statement read by Mrs Fiona Baker)

Mr Robert Hughes – Agent (statement read by Mrs Fiona Baker)

Officers responded to Members' questions and comments as follows;

On the matter of the 'weight' of influence carried by the Westbourne Neighbourhood Plan, Mr Whitty explained that the NPPF and the Local Plan sit as an umbrella to all Neighbourhood Plans; meaning that Neighbourhood Plans must be in general conformity with both the NPPF and relevant Local Plan. A neighbourhood plan cannot prevent application of national or local policy; it is developed to supplement it. Therefore it is officer's recommendation that this application is not in conflict with the Westbourne Neighbourhood Plan and does meet the criteria of NPPF 79 (e). With regards to the site causing any visual harm Mr Whitty explained that the design concept had been developed from the Landscape Assessment and officers felt that visual harm (if any) was minimal.

On the matter of refuse collection; Mr Mew explained that refuse would be collected from an existing track adjacent to the proposed site location which already serviced

neighbouring properties. Mr Mew informed the Committee that he had contacted CDC waste services who had confirmed that the applicant had contacted them and that refuse would be collected from this location.

On the matter of visibility splay and the impact upon the ancient woodland, Mr Mew informed the Committee that WSCC highways had not required any removal of trees to achieve the visibility splay and therefore there is no anticipated impact to the Ancient Woodland.

On the matter of Condition 24; Mr Mew explained that this was there as a mechanism to secure what is required for a paragraph 79 house. In particular, recoding the sustainability measures and innovation technologies that are being used in the construction and how findings can inform other future developments.

On the matter of ancient woodland and Tree Preservation Orders (TPOs); Mr Whitty confirmed that a TPO could be put on a woodland as a whole, as oppose to individual trees. However, a TPO would not put a moratorium on any tree felling, it would just require the necessary permissions to be granted before any felling or works were undertaken. Mr Whitty informed the committee that a TPO could not be made at this meeting; if one were to be made it would be done so through a separate process. In addition Mr Whitty explained that the proposed landscaping scheme included with the application does seek to control and enhance the trees on site.

On the matter of Condition 3; Mr Mew confirmed that no development could commence until the requirements in condition 3 had been satisfied.

Cllr Briscoe proposed that the Planning Committee defer their decision, until after the Planning Committee have visited the site. This was seconded by Cllr Bowden.

Following a vote Members' agreed to **Defer** the report recommendation.

Recommendation to **defer** until a site visit by the Planning Committee has been completed.

*Cllr McAra left the meeting at 1.05pm*

*Cllr Oakley re-joined the meeting at 1pm*

*\*Members took a five minute break*

64 **CC/21/00115/FUL Unit 128, Terminus Road, Chichester, West Sussex, PO19 8ZZ (11.25am approximate start time)**

Mr Mew presented the report to the Committee.

There were no comments or questions from Members.

In a vote Members agreed the recommendation to **permit**.

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

65 **CC/20/01590/DOM 30 Highland Road, Chichester, West Sussex, PO19 5QT (11.45am approximate start time)**

Ms Stevens presented the report to the Committee and drew their attention to the Agenda Update Sheet which included additional representations.

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

Ms Stevens explained that the roof lights identified in her report were included as part of a permitted development on an existing lost conversion and did not form part of the application being considered by the Committee.

Ms Stevens informed the Committee that a tree survey had been submitted as part of the application. A condition for the translocation of two trees was already included within the proposed report; however, Ms Stevens confirmed that the applicant has indicated that they would be happy for a condition on the planting scheme to be included if the Committee felt that was necessary.

The Committee received the following speakers;

Mrs M Klinger – Objector (statement read by Mrs Baker)

Mr J Halliday – Objector (statement read by Mrs Baker)

Mr W McLaren-Clark – Objector (statement read by Mrs Baker)

Mrs E Rogerson - Applicant

Officers responded to Members' comments and questions as follows;

Ms Stevens confirmed that the proposed extension would be built right up to the site boundary as shown on the plans. On the matter of construction and maintenance Ms Stevens explained that these were separate matters that the applicant would need to resolve should permission be given and was not a matter for the Committee to consider.

On the matter of the council's guidance note for alterations to dwellings and extensions; Ms Steven's confirmed that the proposal complied with the council's design statement.

On the matter of permitted development, Mr Whitty explained that it was a technicality that much of the scheme required permission from the Local Planning Authority, due to the side extension adjoining another extension, that the application had been submitted. If permission is not granted then the side extension could be

constructed through permitted development, and with prior approval the majority of the rear extension could also be constructed.

On the matter of the proposed obscure glass glazing and roof lights, Mr Whitty informed the Committee that because the glass glazing was at ground floor level it did not require planning consent, nor was it required to be obscured.

On the matter of roof lights, Mr Whitty confirmed that the roof lights did not form part of the application.

On the matter of permitted development within a Conservation Area; Mr Whitty confirmed that if the site was located within a Conservation Area it would not be subject to the same permitted development rights.

Cllr Plowman proposed that the Planning Committee defer their decision, until after the Planning Committee have visited the site. This was seconded by Cllr Bowden.

Following a vote Members' agreed to **Defer** the report recommendation.

Recommendation to **defer** until a site visit by the Planning Committee has been completed.

*\*Members took a five minute break*

66 **SDNP/20/01158/FUL Pondfield Farm and Stud Midhurst Road, Fernhurst, West Sussex, GU27 3HA (12.15pm approximate start time)**

Mr Price presented the report to the Committee. He referred the Committee to the Agenda update sheet which included a revised site location map.

Officers responded to Members' comments and questions as follows;

On the matter of why the application was only temporary and not permanent; Mr Price explained that the business was established in 2014, since then it has progressively developed and the number of animals located at the site now required the permanent presence of a member of staff, both for the welfare of the animals and for security purposes. Mr Price explained that it was standard practice for a recently established business, such as this, to apply for a temporary permission. A temporary application helps provide a the business owner with a level of surety required to develop the business further, it also provides a test for South Downs National Park if the item is considered again at the end of the three year period.

On the matter of Condition 3; Mr Price agreed that the condition could be amended to the following; *The occupation of the residential mobile home hereby permitted to be stationed on the site shall be limited to a person solely working or employed at the equestrian business carried on at Pondfield Farm Stables and any resident dependants.*

In a vote Members' agreed the recommendation to **permit**.

Recommendation, that the application be **approved** for the reasons and subject to the conditions set out in paragraph 10 of the report, as amended.

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

On the matter of Land West of Birdham Farm, Mr Whitty confirmed that the dates referenced were correct and no further action could be taken until after the July date.

Members agreed to note this item.

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

On the matter of Land north of Blind Lane, Mr Whitty confirmed that the Parish could comment and would provide further advice outside the meeting.

The Committee agreed to note this item.

69 **Planning Noise Advice Document**

Mr Paul Thomson, Senior Environmental Health Officer presented the report to the Committee.

Mr Thomson provided the Committee with a brief background to noise and the impact that it can have on; the environment, health and quality of individuals and communities. He explained that noise can be a material consideration in the determination of planning applications.

Mr Thomson informed the Committee that the Planning Noise Advisory Document had first been produced in 2014 and subsequently revised in 2015. This latest version, which the Committee were being asked to consider had been developed by a group of pan Sussex Environmental Health Officers.

Mr Thomson explained that the document sought to deliver the following three aims;

1. Provide a level of clarity to agents and applicants as to the Council's approach to noise related issues through the development management system which is consistent with other local authorities in both East and West Sussex.
2. Ensure appropriate standards are set, including; ProPG and the World Health Organisation 2018 Noise Guidelines, and that these standards are referred to in noise assessments and applied consistently in planning decisions. Mr

Thomson informed the Committee of the noise hierarchy and how developers are encouraged to adopt a sustainable approach to noise mitigation measures.

3. Encourage developers and applicants to liaise with Local Authorities at the earliest opportunity before a planning application is submitted, minimising any potential delays to the decision making process.

The document helps to inform developers and applicants of when a noise assessment is likely to be required. Mr Thomson informed the Committee that the document was an important reference document that supports the council's position when responding to applications, some authorities such as Crawley Borough Council and Arun District Council have formally adopted the document as part of the Local Plan Evidence.

Mr Thomson explained to the Committee that Chichester District Council were looking to formally adopt the document as a local technical guidance note, following a limited scope consultation with developers and agents; Mr Thomson highlighted that this was not a public consultation as it was a technical advice note. The consultation period will run for a period of seven weeks from 21 June – 6 August 2021, any amendments or alterations that are identified through the consultation process will be appended to the document as applicable to Chichester District Council only.

In addition to the document there are policies unique to Chichester District Council, including a MAS Environmental Limited 2018 noise study for Goodwood. Mr Thomson explained that this had been commissioned by the Council to set specific criteria for noise considerations from both the aerodrome and motor racing circuit.

Mr Thomson responded to Members comments and questions as follows;

Mr Thomson confirmed that the document was available on the Council website and could be shared with Parish Councils.

Mr Thomson clarified that the document was a 'live' document; the purpose of the consultation was for Chichester District Council to formally adopt the document as a Technical Advice Note.

On the matter of noise quality, Mr Thomson acknowledged that this was a very important aspect when considering noise related matters and agreed that some noises are more preferable than others, even if they are played at the same level. Character ratings are applied, such as tonality and impulsivity when a noise assessment is being considered from an industrial site for example.

On the matter of aircraft noise, Mr Thomson confirmed that there was a reference to aircraft noise included on page 5 (page 155 of the agenda pack) and within Table 1 of the document.

In a vote Members agreed the report recommendation.

**Resolved;**

2.1 That Planning Committee approves the Sussex Planning Noise Advice Document for consultation

2.2 That authority be delegated to the Director of Planning and Environment (following consultation with the Cabinet Member for Environment and Chichester Contract Services) to consider the representations arising from the consultation exercise and, provided the representations do not require significant amendments to the Document, to approve adoption (with minor amendments if considered appropriate) of the Document.

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

There were no late items.

71 **Exclusion of the Press and Public**

There were no restricted items.

The meeting ended at 3.35 pm

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CHAIRMAN

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Date: