



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 5 January 2022 at 9.30 am

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

Members not present: Mrs J Fowler

In attendance by invitation:

Officers present: Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Ms J Thatcher (Senior Planning Officer, Majors and Business) and Mr T Whitty (Divisional Manager for Planning Policy)

161 **Chairman's Announcements**

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

The Chairman congratulated Mrs Stevens on her recent appointment as Divisional Manager for Planning.

Apologies were received from Mrs Judy Fowler.

162 **Approval of Minutes**

The following matters were raised and agreed;

The minutes be amended to correctly reflect when Mr Oakley left and rejoined the meeting.

Minute item 157 be amended to note that Mr Oakley queried about repeat applications and that consideration be given to a decline to determination should further applications be received.

With the addition of the above amendment the minutes of the meeting held on 8 December 2021 were agreed as a true and accurate record.

163 **Urgent Items**

There were no urgent items.

164 Declarations of Interests

Mr Barrett declared a personal interest in;

- Agenda Item 6 - FB/21/02509/FUL – as the Chichester District Council external appointment to Chichester Harbour Conservancy

Mr Briscoe declared a predetermination in respect of Agenda Item 5 – WE/20/01569/FUL, because he had objected to the previous application made by the applicant at this site. Ms Golding confirmed that Mr Briscoe would not be involved in discussion or decision making for this item.

Mrs Johnson declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

Mr Potter declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as the Chichester District Council external appointment to South Downs National Park

Mr Oakley declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – WE/20/01569/FUL – as a member of West Sussex County Council
- Agenda Item 6 – FB/21/02509/FUL – as a member of West Sussex County Council
- Agenda Item 7 - CC/21/03391/FUL – as a member of West Sussex County Council and a member of Chichester City Council

165 WE/20/01569/FUL - Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG

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

Mr Mew presented the report to the Committee. He explained the application was for a detached dwelling being brought forward as an exception site under Paragraph 80 (e) of the NPPF.

Mr Mew reminded the Committee that the application had been considered at two previous Planning Committee meetings where it had been deferred.

Mr Mew provided a verbal update on Condition 18, he explained that the reference to 'either' was an error and had been deleted.

Mr Mew highlighted the site location. He reiterated that in terms of policy the site was being brought forward under Paragraph 80(e) of the NPPF and advised that for the reasons detailed within the Committee Report officers felt the application did meet the requirements set out in Paragraph 80(e).

He informed the Committee that the application had been through significant pre application discussions, including advice from the Conservation and Design team. It had also been reviewed by an independent design panel who agreed that the application met the requirements of Paragraph 80(e).

On the matter of policy Mr Mew explained that the Westbourne Neighbourhood Plan had now been made, however, the August Planning Committee had been held after the referendum therefore the conclusions regarding the Neighbourhood Plan (set out in paragraph 3 of the report) were still relevant.

As part of the presentation Mr Mew detailed the Landscape Management Plan to the Committee. The plan included further tree and hedgerow planting, the creation of wildflower meadows, wetland grassland, installation of bat boxes and the removal of overhead electricity cables.

Mr Mew referred to the Westbourne Village Design Statement which recognised the use of flint and diverse variety of architectural types within the Parish.

Mr Mew provided an overview of the elevations, and the view corridors from the site. He also detailed the sustainability features of the application and emphasised that the development would deliver sustainability benefits over and above what was required from a new build. Post occupancy learning benefits would be secured through condition.

In response to the Committee's request for further information regarding how the development would enhance the local area Mr Mew showed a Journal article that had been submitted by the architects highlighting the high energy performance ratings of their previous projects. The article also provided evidence for the outstanding design of the proposed development.

With regards to how the development would assist and inform future development Mr Mew explained the architects have a document of 'Joined up Thinking and Practice' covering matters such as; design and construction principles and improving building health and wellbeing. The document is shared with organisations

like universities to help bring new technologies forward. In addition, the architects regularly speak at industry events and have provided a library of informative videos to help disseminate learning further.

With regards to learning outcomes, Mr Mew informed the Committee that the management of nitrate mitigation will be of great value to the local area. The learning outcomes will be disseminated in several ways including; an open house, speaking at industry events, and through social media.

To address the Committee's concerns regarding highway safety, Mr Mew presented a revised highway layout which included the provision of a passing point. He confirmed that West Sussex County Council (WSSCC) Highways had reviewed the designs and had raised no concerns.

The Committee received the following representations;

Mr Richard Hitchcock – Westbourne Parish Council
Mr Roy Briscoe – Objector
Mr Richard Hawkes – On applicant's behalf

*After Mr Briscoe had made his representation, he withdrew from the Committee rooms.

Officers responded to Members' comments and questions as follows;

With regards to the agricultural land classification; Mr Mew informed the Committee that he could not confirm what the agricultural land classification of the site was but confirmed it had not met the highest level of classification at previous assessment. He explained that the land was currently used for horse grazing.

With regards to the which access plan the Committee were being asked to consider; Mr Mew acknowledged there was an error on page 57 of the report, which would require updating to reflect the most recent Transport Statement. In addition, he explained that there was an error in the annotation of one of the visibility display diagrams, he confirmed that the visibility splay was correct and there was a Condition included to secure the correct visibility splays. Further details of hard surfaces and the passing place were also secured through Condition.

With regards to the residential curtilage; Mr Mew highlighted the proposed garden area. He explained that the development was not seeking to develop the whole site as garden area. In addition, the area to be used as part of the nitrate mitigation package would be secured through the S106 agreement, this would prevent any future change to the use of that land.

With regards to when the new access arrangements would be made; Mr Mew drew Member's attention to Condition 23 and confirmed that the agreed access would not be finalised until just before occupation of the dwelling. However, Ms Stevens in acknowledging concerns regarding the access agreed that Condition 4 could be amended to ensure suitable interim measures are in place during construction.

On the matter of whether WSCC Highways had undertaken a site visit; Mr Brown informed the Committee that a site visit had not been undertaken for this application. However, two officers did undertake a site visit as part of the pre-application advice and observed local traffic patterns.

With regards to whether a condition could be included to secure the rural appearance of the access; Mr Mew explained that Conditions 26, 27 and 28 would remove permitted development rights for walls, means of enclosure and gates.

In response to the concern regarding the removal of the fingerpost sign located by the access; Mr Brown informed the Committee that he was unable to confirm whether the fingerpost would require relocating at this stage. However, should it need to be relocated this would be done through a S278 agreement for minor works licence. In addition, Ms Stevens confirmed that an informative could be added to pass on the Committee's desire to see the Fingerpost is maintained.

On the matter of how the development enhanced the local landscape; Mr Mew reminded the Committee that there had been no objection from the South Downs National Park. He explained that the development is expected to deliver significant landscape enhancements and ecological benefits that would not otherwise be brought forward including; the introduction of wildflower planting, woodland planting, and the replacement of the overhead power lines. He acknowledged that the development would take place on a greenfield site but reminded the Committee that Paragraph 80 (e) of the NPPF did allow for such development.

On the matter of local distinctiveness; Mr Mew informed the Committee that the application had been accompanied with further information detailing how the development picked up on the use of flint and court stead arrangements within the local area.

To clarify the issue regarding perceived conflict between the Neighbourhood Plan and NPPF, Ms Stevens explained that the NPPF provided the national planning policy position. The Local Development Plan which is comprised of the Chichester Local Plan as well as the Westbourne Neighbourhood Plan must reflect national planning policy and cannot undermine the NPPF. She acknowledged that not all applications brought forward met the requirements of paragraph 80(e) and in such instances policies 2 and 45 of the Local Plan would be used to defend refusal of such applications, however, the application being considered does meet the requirements of Paragraph 80(e) and in officer opinion is not in conflict with either the Local or Westbourne Neighbourhood Plan. Ms Stevens advised the Committee that whilst the Neighbourhood Plan did carry full weight in decision making regard must be made to the exception allowed in the NPPF.

During the discussion the Chairman asked the Committee to consider the following when deciding the application;

- 1) Neither the Local Plan nor Neighbourhood Plan refer to exception sites.
- 2) The proposed innovations do provide an opportunity for learning which can be shared with the local area.

On the matter of whether land was still classed as agricultural if used for equestrian purposes; Ms Stevens confirmed that the keeping of horses on land is not agriculture.

With regards to what weight should be given Paragraph 92a of the NPPF; Ms Stevens acknowledged the comment made and advised the Committee that whilst both paragraphs were set out within the NPPF provision for isolated dwellings is made within Paragraph 80. Ms Stevens confirmed that the application must meet all the requirements set out in Paragraph 80 (e) and confirmed that in officer opinion it did.

In a vote the Committee voted against the officer recommendation to **defer** for S106 then permit, subject to no objection from Natural England.

Mr Oakley proposed that the application be refused for the following reasons;

The proposal, by virtue of its scale, prominence on a high part of the site and the creation of an overly domestic vehicular access would have an adverse impact upon the rural character of the locality and the proposal has therefore failed to demonstrate that it would meet all aspects of Paragraph 80(e) of the National Planning Policy Framework, in respect of raising standards of design more generally in the rural area, any significant enhancement to the immediate setting and sensitivity to the defining characteristics of the local area. The proposal is therefore contrary to the Paragraphs 80(e) and 130 of the National Planning Policy Framework, Chichester Local Plan Policies 1, 2, 40, 45, 47, 48 and 49, and Westbourne Neighbourhood Plan Policies 0A1 and LD1.

Mr Brisbane seconded the proposal.

In a vote the Committee agreed to **refuse**, the application for the reasons set out above.

Recommendation; **refuse**, against officer recommendation, for the set out above.

**Members took a ten-minute break*

166 **FB/21/02509/FUL - Black Boy Court Main Road Fishbourne PO18 8XX**

Mr Mew presented the report to the Committee. By way of verbal update, he explained that the paragraph numbering for sections 7 and 6 within the report were incorrect, he confirmed that the content included was correct.

He also confirmed that the site was not located within the settlement boundary, as stated in paragraph 8.2 and in the table at paragraph 5 and was located outside the settlement boundary as set out in paragraph 2.1 of the report.

Mr Mew informed the Committee that the application was for the creation of four parking spaces at the front of Black Boy Court and associated works. He highlighted the site location and where the proposed works would be located.

The site is adjacent to the A259 and has been reviewed by WSCC Highways who have raised no objections.

He highlighted the elevations and proposed landscaping, including a low-level flint wall.

Mr Mew informed the Committee that the site was within a conservation area and adjacent to a Grade 2 listed building, however, he explained that the low wall which could be seen in the presentation was not historic and planning permission was not required for its removal.

The Committee received representations from;

Mrs Carter – Applicant
Cllr Adrian Moss – CDC Member

Officers responded to Members' comments and questions as follows;

On the matter of the existing flint wall; Mr Mew drew the Committee's attention to paragraph 8.6 of the report. He explained even though the site was within a Conservation Area no permission was required for the removal of the wall because as it was under 1m in height.

With regards to concerns regarding the turning space available; Mr Mew confirmed that the spaces were 2.4m by 4.8 did meet the required standard for parking spaces. He highlighted that there was 6.5m between the opposite spaces and reminded the Committee the WSCC had been consulted and were satisfied that there was adequate turning provision and had raised no objections.

With regards to how many parking spaces were currently associated with properties at Black Boy Court; Mr Mew clarified that there are currently 23 parking spaces provided. In addition, he drew the Committee's attention to paragraph 8.10 of the report and explained the existing 8 flats at Black Boy Court were only served by 8 parking spaces which results in vehicles being parked on the highway when residences have more than one vehicle.

With regards to the possibility of including a condition to limit commercial vehicles; Mr Mew explained that this was not proposed and unless there was a request for a change of use from residential to commercial is not something that would require planning permission.

On the issue of character and impact on the conservation area; Ms Stevens advised the Committee that many of the surrounding properties did have forecourt parking and it is unlikely that this proposal would stand out. The landscape proposed would help soften the appearance and ensure there would be minimum impact to the street scene.

With regards to the proposed material; Ms Stevens informed the Committee the advice from the Historic Buildings advisor had been for the area to be made from

pavers as oppose to gravel. The construction material would be managed under Condition 3 of the report, which could also be amended to ensure that the materials used were porous and maintained as such in perpetuity. With regards to ongoing maintenance, she explained that it would not be reasonable to impose a maintenance plan on a development of this scale.

With regards to the 'need capacity'; Mr Mew explained that the supporting information as part of the application process did indicate that the current provision was below current parking standards.

In a vote the Committee voted against the officer recommendation to **permit**.

Rev. Bowden proposed that the application be refused for the following reasons;

The proposal by virtue of the parking of vehicles to the front of the building would result in harm to the character and appearance of the street scene and conservation area, and this identified harm would not be outweighed by any demonstrable benefits. The proposal would therefore be contrary to the following policies that seek to protect the street scene and character of the area; Sections 12 and 16 of the National Planning Policy Framework, the Chichester Local Plan Policies 40 and 47, and Fishbourne Neighbourhood Plan Policies D1 and H1

Mr Briscoe seconded the proposal.

In a vote the Committee voted to refuse the application for the reasons set out above.

Recommendation; **refuse**, for the reasons set out above.

**Members took a ten-minute break*

167 **CC/21/03391/FUL - St James Industrial Estate Westhampnett Road Chichester West Sussex PO19 7JU**

Ms Thatcher presented the report to the Committee. She drew their attention to the Agenda Update which included additional comments from the CDC Environmental Protection Officer and two further representations received following the publication of the Committee report.

In addition, by way of a verbal update, Ms Thatcher informed the Committee that there was an error on condition 2 and explained that there should only be one proposed site plan which should be 1010 revision 11 plan, she confirmed that this would be corrected.

Ms Thatcher highlighted the application site and confirmed that demolition on site has already begun. She explained that the purpose of the proposal was to regularise the varied conditions of attached to the 2021 permission, so that they reflect the conditions attached to the 2020 permission.

To highlight the difference between the conditions attached to the two permissions, Ms Thatcher displayed a table to the Committee which set out the differing conditions and the key conditions changes which were being proposed within the application.

There were no representations.

Officers responded to Members' comments and questions as follows;

With regards to the previous application and whether it could be deleted; Ms Thatcher explained that the previous application would remain extant. The applicant would have the choice of which application they choose to develop; however, it is expected that they would choose to implement the current permission. In addition, Mr Whitty explained that whilst an application can be revoked there are no compelling circumstances to do so.

With regards to condition 8; Ms Thatcher explained that this condition was included to ensure greater control over the final boundary treatments at the site. If significant changes were proposed they would be dealt with through a separate application.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit**, subject to the conditions and informatives set out in the report.

There were no representations.

Officers responded to Members' comments and questions as follows;

With regards to the previous application and whether it could be deleted; Ms Thatcher explained that the previous application would remain extant. The applicant would have the choice of which application they choose to develop; however, it is expected that they would choose to implement the current permission. In addition, Mr Whitty explained that whilst an application can be revoked there are no compelling circumstances to do so.

With regards to condition 8; Ms Thatcher explained that this condition was included to ensure greater control over the final boundary treatments at the site. If significant changes were proposed they would be dealt with through a separate application.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit**, subject to the conditions and informatives set out in the report.

Mrs Purnell drew the Committee's attention to the Agenda Update which included an update on High Court Matters.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

171 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.33 pm

CHAIRMAN

Date: