



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 April 2022 at 9.30 am

**Members Present:** Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mrs J Fowler, 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:** Mr R Briscoe

**In attendance by invitation:**

**Officers present:** Mr O Broadway (Principal Conservation and Design Officer), Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Mr R Young (Development Manager (Applications)), Mr D Henly (Senior Engineer (Coast and Water Management)), Mr C Thomas (Senior Planning Officer) and Mrs F E Baker (Democratic Services Officer)

## 208 **Chairman's Announcements**

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

Apologies were received from Mr Roy Briscoe.

## 209 **Approval of Minutes**

The minutes of the meeting held on 2 March 2022 were agreed as a true and accurate record.

Cllr Bowden raised the following in respect of the minutes from 21 March 2022;

- On page 20 there are two paragraphs in response to biodiversity credits. The second paragraph should be deleted.
- On page 19; minute 203 in response to comments made by Mr Broadway, a sentence be included stating that members responded to Mr Broadways comment by urging the applicant to adopt the rest of the measures without delay.

Cllr Oakley asked that the second bullet point on page 19, be amended from 'pedestrian refuse' to 'pedestrian refuge'.

With the addition of the discussed amendments the minutes of the meeting held on 21 March 2022 were agreed as a true and accurate record.

**210 Urgent Items**

There were no urgent items.

**211 Declarations of Interests**

Mr Barrett declared a personal interest in;

- Agenda 7 - BO/21/00620/FUL – CDC appointed member of Chichester Harbour Conservancy

Mrs Johnson declared a personal interest in;

- Agenda item 5 – WE/21/02985/FUL – Member of West Sussex County Council
- Agenda item 6 – CC/22/00496/PA14J – Member of West Sussex County Council
- Agenda item 7 – BO/21/00620/FUL – Member of West Sussex County Council & as the WSCC external appointment to Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in;

- Agenda item 5 – WE/21/02985/FUL – Member of West Sussex County Council
- Agenda item 6 – CC/22/00496/PA14J – Member of West Sussex County Council
- Agenda item 7 – BO/21/00620/FUL – Member of West Sussex County Council

Mr Potter declared a personal interest in;

- Agenda 8 – SDNP/21/04759/FUL – CDC appointed member of South Downs National Park

Mrs Sharp declared a personal interest in;

- Agenda item 5 – WE/21/02985/FUL – Member of West Sussex County Council
- Agenda item 6 – CC/22/00496/PA14J – Member of West Sussex County Council
- Agenda item 7 – BO/21/00620/FUL – Member of West Sussex County Council

**212 WE/21/02985/FUL River Street Garages, River Street, Westbourne. West**

## **Sussex**

Mr Young presented the report to the Committee.

Mr Young informed the Committee that the application was for the storage of classic cars and outlined the site area to the Committee. He highlighted the position of the current buildings and the proposed layout; as a point of note he informed the Committee that the current parking provision on site did not meet current guidelines. Access to the site would be improved as part of the application, as cars would be able to exit the site in a forward gear.

Mr Young drew the Committee's attention to the proposed solar panels that would be installed as part of the development.

He confirmed the site was located within both the Westbourne Settlement boundary and the Westbourne Conservation Area, as well as being covered by the Westbourne Neighbourhood Plan.

No objections had been received from WSCC Highways. An ecological statement had been submitted as part of the application in recognition of bats, birds and hedgehogs.

Mr Young drew attention to the Agenda Update sheet which included some supporting information from the agent/applicant, as well as a proposed amendment to Condition 3 and an additional condition (Condition 8) to maintain planning control in the interests of the amenity of the site.

The following representations were received;

Cllr Richard Hitchcock – Westbourne Parish Council

Mr Paul Wilkins – Objector

Mr Jon Whitehouse – On Applicant's Behalf

Officers responded to Member's comments and questions as follows;

On the issue of the original land use; Mr Young informed the Committee that the current garages had been on the site for the past 40/50 years. It had been used by the applicant for many years to store cars.

With regards to the positioning of the solar panels; Mr Young explained how the panels needed to be positioned in order to achieve maximum efficiency. Mr Broadway confirmed that in officer opinion the proposed position of the solar panels would not cause any harm to the neighbouring listed building.

In respect of biodiversity on site and the provision of bird boxes; Mr Young drew the Committee's attention to the proposed conditions which were included to protect and enhance the biodiversity on site. Ms Stevens agreed the provision of bird boxes on the building could be included within Condition 4.

With regards to site construction; Mr Young drew the Committee's attention to Condition 3 of the report which addressed construction management and had been proposed to safeguard the amenities of adjoining residents. He agreed that an informative could be added to advise should hazardous material be found on site prior to construction.

In a vote the Committee agreed to support the report recommendation to **permit**, subject to the conditions and informatives set out in the report, as well as; the amendment to condition 3 and the inclusion of condition 8 as set out in the Agenda Update; the amendment to condition 4 and the inclusion of the additional informative as discussed.

Recommendation; **permit**, subject to the conditions and informatives set out in the report, **permit**, subject to the conditions and informatives set out in the report, as well as; the amendment to condition 3 and the inclusion of condition 8 as set out in the Agenda Update; and the agreed amendment to condition 4.

*\*Members took a five minute break.*

213 **CC/22/00496/PA14J - Westgate Leisure Centre Via Ravenna Chichester West Sussex PO19 1RJ**

Mr Mew presented the report to the Committee. He explained the application was for prior approval to utilise permitted development rights for the installation of solar panels at the Westgate Leisure Centre.

Mr Mew highlighted the site location and showed members where the proposed solar panels and thermal equipment would be installed on the building. He highlighted the tree screening that was already in place between the leisure centre and college, he confirmed the College had raised no objection to the proposal. No objections had been received from WSCC highways.

There were no representations.

Officers responded to Member's comments and questions as follows;

On the matter of who would pay for the installation of the Panels; Mr Mew informed the Committee that whilst this was not a planning matter, the Council had been awarded a £1.35 million grant from the public sector 'decarbonisation scheme' for the installation of decarbonisation technologies.

With regards to how many Solar Panels would be installed; Mr Mew explained that he did not know how many Panels would be installed at this stage as such information was not required as part of the prior approval application. However, he explained that the solar panels would be 1.7m by 1.1m in size and the thermal tubes would be 1.5m by 2.1m in size.

In respect of how much electricity would be generated from the installation; Mr Mew informed the Committee that the overall energy generation expected from the

installation would be; 173kwh (peak) from the solar panels and 133kwh (peak) from the thermal tubes. The solar panels would provide electricity for the leisure centre, whilst the solar thermal tubes would provide heating. Overall, the installation of the new technologies would deliver a 24% reduction in CO<sub>2</sub> emissions.

Mr Mew confirmed that there were no proposals to reduce the surrounding vegetation as part of the application.

In a vote the Committee agreed to support the report recommendation for prior approval required hereby permitted.

Recommendation; prior approval required hereby permitted.

*\*Members took a five-minute break*

214 **BO/21/00620/FUL - Burnes Shipyard, Westbrook Field Bosham**

Mr Thomas presented the report to the Committee. He drew their attention to the Agenda Update sheet which included; some further supporting information from the applicant/agent; an Addendum to the Planning History; Additional third-party representation; an Addendum to the report and an Amendments to conditions 22.

He outlined the application site, and confirmed the site was located within the Parish of Bosham and the Chichester Harbour AONB, just outside the settlement boundary. He explained that the proposal was to redevelop a former shipyard and build three executive style homes.

Mr Thomas informed the Committee of a previous planning application for the site, which had been refused in 2013 and dismissed at appeal in September 2014. He highlighted the proposed scheme which had been refused and explained the differences between the refused scheme and the application being considered.

Mr Thomas confirmed the existing vehicle access from Winward Road would be retained as part of the development and showed that each plot would have sufficient parking provision.

He highlighted the trees to the north of the site and informed the Committee that they were protected by an area Tree Preservation Order (TPO), mitigation measures had been included within the application to ensure their protection and health is not impacted during development.

Mr Thomas explained the required flood mitigation measures for plots A & B.

The Committee were shown a number of slides detailing the elevations of each plot, proposed street scenes and materials to be used in the development. The height of the proposed buildings would be in keeping with neighbouring properties on Morton Road. Mr Thomas explained the density of the development was reflective of development along the area of coastline.

Mr Thomas showed the Committee images of the current site and its relationship with neighbouring properties.

The following representations were received;

Cllr Antony Chapman – Bosham Parish Council  
Miss Kate Dachowski – Objector  
Mr Ashley Hatton – Objector  
Mr David Gooding – Objector (Mr Andrew Warner spoke on Mr Gooding's behalf)  
Mr Dick Pratt – Supporter  
Mr Christopher Hitchings – Supporter  
Mr Peter Hankey – Supporter  
Mr Paul White – Agent  
Cllr Adrian Moss – CDC Ward Member  
Cllr Penny Plant – CDC Ward Member

Officers responded to Member's comments and questions as follows;

Ms Stevens explained the reason the report recommendation was to 'delegate to officers'; was to allow officers to consider the recently updated guidance on nitrate neutrality. The guidance, published by Natural England was unexpected, the Committee report had already been prepared with a recommendation to 'permit'. In response it was decided the report would be brought to Committee with an amended recommendation of 'delegate to officers', allowing officers to assess whether the proposal would still be nitrate neutral following the change in guidance. The application was considered suitable in all other respects.

Ms Stevens reminded the Committee that if they did not wish to delegate to officers, they could vote to either defer or refuse the application.

With regards to pre applications for the site: Mr Thomas confirmed that two pre applications had been submitted; the first in August 2020 and the second in December 2021. The submissions had proposed alternative solutions for the site including a mixed-use development of residential and shipyard buildings. Mr Thomas informed the Committee that officers had met with the applicants and provided pre application advice regarding the suitability of the redevelopment. In addition, Ms Stevens reminded the Committee that unlike Planning Applications, Pre-Application enquiries are confidential until an application for the proposal is submitted.

With regards to the proposed use of the site; Mr Thomas informed the Committee that the proposed development equated to a ratio of six dwellings per hectare. He acknowledged that this was below the normal standard, however, when considering the visual impact of the development a lower density was felt to be more in keeping. The Housing Officer had raised no objection to the proposed mix of housing. In addition, Mr Broadway confirmed that it would not be appropriate to develop the site further than what was proposed given the required flood defences and the potential harm from the visual impact.

In response to concerns raised by the Committee over the loss of an employment site; Ms Golding advised that as the site was dilapidated and had not been used as an employment site for around 30 years it has a 'nil use' as the previous use had been abandoned. As such the developer is not required to submit evidence of marketing the site as an employment or commercial site as the land has a 'nil use' status. She explained there were a number of high court cases to refer to on the matter.

In response to concerns regarding the sequential test; Ms Stevens acknowledged that it was unusual to carry out a sequential test on a single site, however, it was not unheard of National Planning Practice Guidance (NPPG) advocates that a pragmatic approach is taken when considering sequential tests and this was the approach that officers had adopted, along with the 'exception test' of the site being vacant for a long period of time. She informed the Committee of a previous application where the sequential test had been narrowed down to an individual site.

In response to concern such a development may conflict with Planning Policy within an AONB; Ms Stevens confirmed there was no conflict, the land was a brownfield site which had been previously developed.

With regards to Condition 16; Mr Thomas agreed the wording could be changed to ensure bat and bird boxes were secured to buildings if the Committee felt that was appropriate.

On the matter of external lighting; Mr Thomas explained the proposed external lighting would be focused on the vehicle parking provision, with 10 low level (approximately 1m in height) lighting bollards included as part of the development.

With regards to the amount of glazing proposed as part of the development; Mr Thomas acknowledged the comments made; however, the level of glazing had been significantly reduced when compared to the appeal scheme.

In response to concerns raised regarding the impact of the development on the Public Right of Way (PROW); Mr Broadway explained that any impact on the PROW would be set against the existing surrounding, as the site was currently derelict the proposed new landscaping would be an improvement to the experience on the footpath. In addition,

With regards to flood mitigation; Mr Henly explained the flood risk to the site was tidal and confirmed the proposed solution would be effective.

On the issue of a Visual Impact Assessment; Mr Thomas confirmed a Visual Impact Assessment had been submitted as part of the application. The assessment had concluded the effect of the proposed landscaping on the wider area would be beneficial or neutral; as it would replace the derelict ship buildings and dilapidated character of the site. The assessment acknowledged the proposed buildings would be more prominent than the current shipyard, but this would not be dissimilar to other properties surrounding the site on the eastern shore of the Bosham Channel.

In response to concerns regarding the HGV movements during construction; Mr Thomas was unaware of the volume of material that would be brought on to site. However, he drew the Committee's attention to the proposed report Condition's which did include the standard CEMP condition. In addition, if the application were to be deferred this information could be presented at later Committee.

Following the debate Mr Brisbane proposed that the application be deferred for further information to be provided on the following;

- Nitrate neutrality
- Landscaping
- Information and assessment on the volume of material required to be imported onto the site and associated HGV movement

In a vote the Committee agreed to support the report recommendation to **defer for further information**, as detailed above.

Recommendation; **defer for further information**, as detailed above.

*\*Members took a ten-minute break.*

#### 215 **SDNP/21/04759/FUL - Eastview, The Street, Lodsworth, GU28 9BZ**

Mr Saunders presented the report to the Committee. He explained the development was liable for Community Infrastructure Levy (CIL) as the proposal was for a new dwelling over 100sqm in size; however, it would be exempt from CIL as the application was for a self-build project. Mr Saunders confirmed that the applicant had applied for the exemption.

Mr Saunders drew the Committee's attention to the Agenda Update Sheet which included; further comments and representations from both Lodsworth Parish Council and the CDC – Tree Officer; Amendments to the Report and an additional condition relating to obscure glazing

Mr Saunders highlighted the site location, access arrangements, and proximity to neighbouring properties. He explained the outbuildings outlined in the drawings would be removed as part of the proposal.

Mr Saunders showed the Committee drawings of the proposed development, including layout and elevations.

The following representations were received;

Mr Paul Phillips – Objector  
Mr Barry Norris – Objector  
Mr Terry Hill – Applicant

Officers responded to Member's comments and questions as follows;



On the issue of overlooking from a first-floor window; Mr Saunders confirmed the window was to a landing, officers considered this a transitory space and had requested the window to be obscurely glazed.

Mr Saunders confirmed there would be no changes to the access driveway as part of the development.

On the issue of water neutrality; Mr Saunders explained the South Downs National Park policy on water neutrality. The applicant was not required to demonstrate water neutrality as there would be an uplift of only one bedroom in the proposed property (the current building having three rooms which could accommodate a bed). In addition, Policy SD48 of the Local Plan requires that a range of measures are introduced to improve the sustainability of the site. Mr Saunders drew attention to the proposed conditions which were included to offset any increase intensity in water consumption.

Mr Saunders confirmed the proposed water was to assist in meeting the required sustainability requirements

In response to the range of dwellings provided throughout the SDNPA; Mr Saunders referred to; SDNPA Policy 25 which set out the principle of new development and SDNPA Policy 30 which set out permitted floorspace. He explained policy 30 did not apply to the proposed development as it was located within the settlement boundary.

In a vote the Committee agreed to support the report recommendation to **approve**, subject to the conditions and informatives set out in the report.

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

## 216 **Westbourne Conservation Area Appraisal including extension to Westbourne Cemetery**

Mr Broadway introduced his report to the Committee. He provided an overview of what a Conservation Area was and why the Council had them.

Following a recent survey Mr Broadway explained one of the key features of the proposed Westbourne Conservation Area Appraisal was the inclusion of the Westbourne Cemetery within the Conservation Area.

Mr Broadway explained that it was important to update and review Conservation Area's to ensure they referenced current legislation and remained inline with Council policy.

There were no representations.

Officers responded to Members' comments and questions as follows;

In response to a question on why the cemetery had been included within the Conservation Area; Mr Broadway explained the cemetery had been recognised for its special architectural and historic interest. Although located away from the village and not linked to the current Conservation Area it was clear that the cemetery and village of Westbourne were historically intertwined, to designate the cemetery as its own Conservation Area would be heavy handed. From the Mid-19<sup>th</sup> Century places such as the Westbourne Cemetery were located outside village centres as people believed the smell of decaying bodies caused infections such as Typhus and Plague.

Mr Broadway noted the request to include more detailed maps.

Following a vote, the Committee agreed to make the recommendation as set out on the Agenda Update Sheet;

- a) **Note the contents of the report, and**
- b) **Provide any comments or feedback regarding the updated Westbourne Conservation Area Appraisal (2022) including the recommendation for extending the conservation area to cover the site of the historic Westbourne Cemetery.**

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

Mrs Purnell drew the Committee's attention to the Agenda Update which included an update on the High Court Hearings for the site Land at Flat Farm.

In response to a query regarding Four Acre Nursery, Cooks Lane; Ms Stevens confirmed that the appellant had withdrawn the appeal.

In response to a query regarding the number of hearings being delayed due to court capacity; Ms Golding explained that she was not aware, but would arrange for an update to be provided outside the meeting.

The Committee agreed to note the item.

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

The Committee agreed to note the item.

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

There were no late items.

**220 Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.27 pm

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CHAIRMAN

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Date: