

Minutes



Westbourne

Parish Council

53 Skylark Avenue
Emsworth
PO10 7GB

07775654483
clerk@westbourne-pc.gov.uk

Minutes of Westbourne Parish Council's Planning Committee which took place on Thursday 12 March 2020 at 6.15pm at The Meeting Place, North Street, Westbourne.

Present: Cllr Lade Barker, Cllr Richard Hitchcock, Cllr Ann Pearcey, Mr Frank Campbell, Mr Piers Mason, and Clare Kennett, Clerk to the Parish Council

Meeting chaired by Cllr Hitchcock. Two members of the public were present.

1. Declarations of interest: Cllr Barker declared an interest in planning application 20/00591/FUL as the applicant and did not take part in discussions relating to it.

2. Apologies for absence: None.

3. Minutes of the meeting of 13 February 2020: The minutes were agreed to be a true record and were signed as such by the Chair.

4. Updates and issues from the minutes of 13 February 2020: None.

5. Planning applications: Members agreed the following.

20/00239/FUL: Temporary installation of 1 no. additional mobile home adjacent to existing mobile home for agricultural workers accommodation. Stella Farm, land north of The Grange, Woodmancote Lane, Woodmancote. The application has been withdrawn.

19/03206/FUL: Change of use of site for B8 storage of privately owned and commercial vehicles (retrospective). Unit 2, Ten Acres, Cemetery Lane, Woodmancote. Members agreed to object to the planning application - see Appendix 1 for the submitted objection.

20/00591/FUL: Installation of shepherds' hut for tourist accommodation use. Mill Meadows House, Mill Lane, Westbourne, PO10 8RT. Members agreed to support the planning application and request that the relevant conditions normally associated with a shepherds' hut being used as tourist accommodation are put in place.

6. Planning appeals: To discuss appeals relevant to the Parish.

Planning application number: APP/18/00929. Planning Inspectorate's Appeal Reference: APP/X1735/W/19/3227101: Southdown View, Long Copse Lane, Emsworth. Change of use of the site to a mixed use comprising private equestrian yard and siting of additional 1 no. mobile home to enable a total of 2 no. mobile homes on site for private gypsy and traveller site. Provision of a further 2 additional car parking spaces to allow a total of 4 car parking spaces on site and retention of touring caravan space. Hearing to be held at 10am on 1 April 2020 at the Public Service Plaza, Havant.

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Cllr Pearcey agreed to attend the hearing and read out a statement prepared by the committee.

Enforcement case no: 13/00163/CONWST DCGL ref no:

APP/L3185/C/18/3203193 – LEAD, APP/L3815/C/18/3203215,

APP/L3815/C/18/3203219 and APP/L3815/C/18/3203222: The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Alleged Breach: Without planning permission, change of use of land and erection of fences (Notices (WE/40, WE/41, WE/42 and WE/43). Notification of enforcement appeal and public inquiry. Written representations to be received by the Planning Inspectorate by 9 April 2020.

The site in question is located within the Parish of Westbourne and, because of the serious and damaging impact of unauthorised use over the last few years, has been a subject of great concern to the Parish community. Complaints from the Parish Council have led to the service of the enforcement notices now subject to the public inquiry that will be held.

Members agreed to appoint Philippa Jarvis, planning consultant, to represent the Parish Council at the forthcoming public inquiry at an estimated cost of £3k. Members agreed to appoint Bright Plan Ltd, transport planning and civil engineering consultants, to provide the Parish Council with evidence and appear as expert witness to be used at the public inquiry at an estimated cost of £7k.

It was agreed by members that they feel so strongly about this matter that the appointment of the planning and highways experts was necessary to provide evidence to the inquiry that truly represents local views.

Mr Campbell explained to members that there are two choices at the public inquiry:

1. To ask the Planning Inspectorate to apply to be a Rule 6 Party with Chichester District Council. This would enable the Parish Council to formally participate as a key party, collaborate with CDC to avoid repetition of evidence and complement the case that they will be presenting.
2. To appear as an interested party but the Parish Council would have no rights of cross examination.

Members agreed that the most effective way of engaging in the inquiry process and presenting the expert evidence would be to participate as a Rule 6 Party. All were in favour.

Mr Campbell offered to act as an advocate on behalf of the Parish Council at the inquiry which all members agreed to. The Committee thanked Mr Campbell for his involvement and continued help and support.

The Clerk confirmed that the Parish Council has delegated all duties and responsibilities related to planning applications and enforcement issues to its Planning Committee, as outlined in its Committee Delegation Arrangements and Terms of Reference policy. As such members of the Planning Committee are able to make decisions relating to planning applications and enforcement issues on behalf of the Parish Council. It was agreed that due to the nature of the coming public inquiry, that the Parish Council's approval will also be sought to ensure that all parish councillors are aware of the planning committee's decisions and discussions.

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7. Chichester District Council Enforcement Reporting: Members noted the updated list of enforcement issues.

8. Announcements and items for the next meeting: None.

9. Date of next meeting: The next meeting is scheduled to be held on Thursday 9 April 2020 at 6.15pm.

Meeting closed at 7.10pm.

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Appendix 1: 19/03206/FUL

Westbourne Parish Council strongly objects to the planning application.

The Parish Council considers that the applicant seeks to present the activities as a new basis of operation for storage of vehicles both commercial and privately-owned for show purposes. The history of the applicant's use of the site demonstrates that the restrictions that he offers or may be imposed through the grant of a planning permission will not be abided by. Indeed, although the applicant states that the current use for is for HGV storage, it is clear from observation that the use as a depot for a contractors HGV depot is continuing and there are regular movements to and from the site. Examples of disregarding limitations include:

- The vehicles operating from the site were indicated in the original application to be restricted to 7.5 tonnes. Whereas the fleet of vehicles using the site regularly involved 32 tonne vehicles and even larger low loaders that could not manoeuvre through the junction between Cemetery Lane and Foxbury Lane.
- The hours of operation from the site include vehicle movements from 6.00 am each day.
- The applicant claimed that larger vehicles would not use the road through the village but they frequently did pass through the village.
- The applicant claimed that larger HGVs would be operating from an alternative site in an industrial area and yet very regularly large HGVs were stored at the Cemetery Lane site but this did not happen for a significant number of larger HGVs.

On the basis of past performance, the Parish Council has no confidence that any restrictions offered by the applicant or imposed by the District Council would ever be honoured.

The suggestion that the current application amounts to a different form of use is not accepted. Both the current proposal and the use made since the opening of this site as an HGV operating centre amount to the same thing. Large scale vehicles based on a site and regularly moving on and off the site in circumstances that are highly unsuitable for such use. It will be almost impossible for the District Council to distinguish between the former and "proposed" use.

When considering the previous appeal against enforcement notices on this site the Inspector made several key findings.

- The use of the site is contrary to Westbourne Neighbourhood Plan policy OA1 and to Policy 2 and 45 of the Chichester Local Plan as it lies outside the settlement boundary in open countryside and does not meet an essential rural need.
- The site is not well related to the transport network and it has a far from minimal impact on the countryside setting.
- Even though the site is on previously developed land in the countryside the planning objections to the use outweigh its previously developed land status.
- The Inspector shared the concern of Chichester District Council and Westbourne Parish Council about the visual impact of this use in this part of the former Army

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Camp Site and that it has a detrimental impact on the character and appearance of the countryside setting and this part of Cemetery Lane.

- The Inspector found that the use of the site has an unacceptable impact on the residential amenity of residents of the Gypsy and Traveller Plots currently occupied on the adjacent land, in terms of visual amenity and their outlook onto what is perceived to be an industrial estate. Also, there is an unacceptable noise impact for these dwellings with early morning traffic movements.
- In addition, these traffic movements were found to cause unreasonable impacts on residents of the Cemetery Lodge, Lark Way and Mallard Close.
- With respect to highway safety the Inspector was bound to consider the application based on the information supplied by the applicant that the use would be restricted to vehicles of 7.5 tonnes or less and on this basis subject to conditions and route restrictions there would not be a highway safety issue. However, he acknowledged the evidence that much larger HGVs regularly used the site and did understand the concerns expressed by Westbourne Parish Council and residents about such usage. He confirmed his view that vehicles in excess of 7.5 tonnes including low loaders and other larger vehicles would cause damage to verges at the junction to Cemetery Lane and Foxbury Lane due to limited tracking paths available and as such would be totally unsuitable for access to and from the site and through the village itself.
- There is strong evidence of continued use of the site as a contractors HGV depot with frequent movements of 32 tonne trucks and low-loaders.

Given all these serious grounds for dismissing the previous appeal and that the current proposed use is to all intents and purposes very similar and given the applicant's history of not complying with restrictions offered or imposed, the Parish Council considers that the current application should be refused and the continued use of the site subject to prosecution of the extant enforcement notices.