

DEVELOPMENT CONTROL COMMITTEE

1 February 2017 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

Councillors Ambler, Mrs Brown, Elkins and Mrs Rapnik were also present for part or the whole of the meeting.

435. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Wells.

436. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Bower declared a personal interest in Planning Application BR/156/16/PL as the matter had been discussed by Cabinet and he reserved his right to speak in respect of the planning matters.

Councillor Mrs Pendleton declared a personal interest in Planning Application M/45/16/PL as she had attended a public presentation on the matter but had not

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participated in any way. The matter had also been discussed at the Parish Council but she had taken no part in the proceedings and she reserved her right.

Councillor Mrs Oakley declared a personal interest in Planning Application M/45/16/PL as she had attended at least two meetings where the proposal had been discussed. She stated she had not expressed any opinion or discussed the matter.

Councillor Brooks declared a prejudicial interest in Planning Application BR/156/16/PL as he had made a submission with regard to the sites and he stated he would leave the meeting during its consideration. He also declared a personal interest in Planning Application M/45/16/PL as his father had a home in the vicinity but was not near enough to be affected by it.

Councillor Dillon made the following declaration:

“I declare a Personal Interest in item 7 Planning Application BR/156/16/PL Redevelopment of the Regis Centre and other land, by reason of:

- Being a member of the charity Arun Arts which has a lease of the theatre on the Regis Centre Site
- I am a volunteer with that organisation and carry out a number of tasks including Health and Safety, maintenance and front of house roles. All of these are unpaid and I only receive re-imbusement for out of pocket expenses, including where I purchase maintenance materials on behalf of Arun Arts.

Whilst the decision to be made today regarding this planning application will affect Arun Arts and me as a member of that organisation, that affect will not be greater in extent than the effect on the majority of other Council Tax payers or inhabitants of the wards affected by the decision.”

437. MINUTES

The Minutes of the meeting held on 4 January 2017 were approved by the Committee and signed by the Chairman as a correct record.

438. PLANNING APPLICATIONS

AL/121/16/PL – 2 No. semi detached houses. This application is a Departure from the Development Plan, Land West of Fontwell Avenue, Eastergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BN/61/16/PL – Removal of existing storage building & erection of a single dwelling – Departure from the Development Plan, Land to the North of the Flint Barn, Yapton Road, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Bower had declared a personal interest and remained in the meeting and took part in the debate and vote.

Councillor Brooks had declared a prejudicial interest and left the meeting and took no part in the debate or vote on the following application.)

BR/156/16/PL – Redevelopment of the Bognor Regis Centre to provide 6358sqm of commercial space (including leisure facilities) for mixed development, 64 room hotel, 192 apartments with the provision of 30% affordable housing units compliant with policy Car Parking, creation of a new board walk & conversion of Place St Maur des Fosse into a Plaza, soft & hard landscaping. Redevelopment of the Hothampton car park to provide a 1100 seat theatre, with a 48 bed hotel & conference facilities, the provision of 2 retail units facing onto the Queensway, relocation of children's play area & upgrading of the facility, plus hard & soft landscaping. Redevelopment of the Esplanade Theatre site to provide a 200 cover Destination Restaurant and relocation & upgrade of the existing skate park to adjacent to the Pier. Provision of 3 new kiosks along the Promenade to provide retail, toilets & showers. This application is a resubmission of BR/26/15/PL. This application affects the setting of a Listed Building & may affect the character & appearance of The Steyne Conservation Area, Regis Centre, Car Park & Place St Maur des Fosse, Belmont Road Car Park at Queensway, 3 Kiosks, Area of land West of Pier, Land East of Rock Gardens, Bognor Regis Having received a report on the matter, together with the officer written report update detailing a number of amendments to that report and amendments to conditions and reasons for conditions, the Strategic Development Team Leader introduced her comprehensive presentation on the detail of the application by advising that, whilst the Council as landowner was developing ideas for the sites, the Committee must focus solely on the merits of the application on the table.

Following the presentation, the Strategic Development Team Leader summarised the main headings as follows:-

Principle: Broadly in accordance with policy and would deliver town centre uses that fit with policy requirements and would deliver regeneration benefits.

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Retail Impact: The impact of any new retail units on the Town Centre complied with policy and would complement tourist shopping needs and enhance the current retail offer, as well as increasing footfall through the Arcade.

Tourism Impact: Would improve tourism potential over and above current provision.

Theatre: Overall there is further work to be done on the detailed operation of the theatre but this would be an issue for the applicants to address if permission was granted. In planning terms, the principle of a theatre was supported by policy.

Affordable Housing & Infrastructure: 30% affordable housing to be provided on site, in line with policy.

Infrastructure: S106 Agreement in line with requirements but the Council would not sign until outcome of feasibility work was concluded.

Design and input on character: Main report detailed each building in turn and broader design criticisms.

Heritage: Broadly acceptable

Highways: Access and parking acceptable

Biodiversity: Conditions and S106 on enhancements

Drainage: Conditions to ensure SuDS (Sustainable Drainage System) in place.

Amenity: Noise and lighting conditions had been updated following consultation response from Environmental Health.

Landscaping and Trees: Submitted scheme needed more detail, as required by condition.

Foul Drainage: Would either need to upgrade or not increase flows.

The main thrust of the ensuing debate concentrated on Members' concerns with respect to:-

- car parking provision being inadequate and that the loss of up to 200 parking spaces would have an adverse impact on visitors to the town.
- the underground car parking at the Regis Centre site and the potential for flooding
- the density of 192 flats on the Regis Centre site being too much
- there were serious problems with the plans and design of the theatre and it was felt that it would become a "white elephant" in future years
- some aspects of the application presented an overbearing mass and there was a lack of design quality

The Chairman highlighted the officer's final comment of the report under Conclusions "However, it must be re-emphasised that this is a finely balanced decision and if the Committee concludes that on balance the scheme is considered to be of insufficient quality, notwithstanding the positives of the proposal, then it would be reasonable to refuse the application." In her view, and as a resident of Bognor Regis, her aspirations for the future of the town were higher than what was

being proposed and, from a planning perspective, she did not think the standard of the design would be in a good condition in 30 years' time.

Further comment was made that, as some parts of the proposal were acceptable and others not, could not the applicants work with the Council to come up with a scheme that was acceptable to all parties?

On being put to the vote, Members did not accept the officer recommendation to approve and therefore the Committee

RESOLVED

That the application be refused for the following reasons

1. The positive aspects of the proposed development are not considered to outweigh the failure of the development to demonstrate sufficient design excellence having regard to the local character and qualities of the area and the aspiration for the regeneration of the seafront and the town as a whole. As a consequence the proposal would be contrary to Policy 8a of the Bognor Regis Neighbourhood Plan 2015, Policy GEN 7 of the Arun District Local Plan 2003 and the aims and intentions of the National Planning Policy Framework.
2. The application fails to demonstrate acceptable levels of parking to meet the needs of the development and the wider role of the town as a tourist destination contrary to Policy AREA 7 of the Arun District Local Plan 2003 and Policy 8b of the Bognor Regis Neighbourhood Plan 2015.

EG/53/16/PL – Greenhouse & customer parking area. This application also lies within the parish of Walberton, Woodfield Farm, Wandleys Lane, Fontwell, Eastergate Having received a report on the matter, the Committee engaged in some debate and were reminded that current guidance encouraged diversification in the rural economy. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/186/16/OUT – Outline application with some matters reserved for erection of 8 No. 2 bed apartments, 1 Beehive Lane, Ferring Having received a report on the matter, together with the officer's written report update detailing an amendment to the Council's Housing Land Supply; amendment to the report; additional

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representations of support and objection; and amendment to Condition 3 to refer to the substitute layout plan and maximum building height, some concern was expressed that the proposal would be out of character and appearance with the village centre and that chalet bungalows would be more in keeping. However, it was acknowledged this was an outline application and the Committee then

RESOLVED

That the application be approved as detailed in the report and the report update.

FG/190/16/PL – Application for removal of condition 3 following a grant of planning permission FG/129/00 relating to the restrictive use of the ancillary office accommodation to the needs of agriculture, horticulture forestry and for no other purpose, Highdown House, Littlehampton Road, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillors Brooks, Mrs Oakley and Mrs Pendleton had declared a personal interest and remained in the meeting and took part in the debate and vote.)

M/45/16/PL – Demolition of redundant poultry farm buildings & dwelling & erection of 13 No. dwellings with associated access, car parking & landscaping. This application is a Departure from the Development Plan, Land West of Yapton Road (Poultry Farm), Middleton on Sea Having received a report on the matter, the Committee was advised by the Planning Team Leader that extensive consultation had been undertaken with technical experts and a representative from an independent highways consultant and County Highways were in attendance to respond to any questions from Members with regard to highways matters. Another issue of contention related to trees and Members were further advised that three trees had now had a Tree Preservation Order (TPO) placed on them and, following the submission of an independent tree consultant's report, the Council raised no objection as Conditions 23, 25 and 26 were sufficient to safeguard the trees.

The Planning Team Leader advised that, as the Council's Housing Land Supply (HSL) now stood at approximately 2 years rather than the 5 years required, there was a substantial shortfall in housing for the District. The Local Planning Authority had a duty to approve applications unless there was a significant adverse impact on the area and it was the view of officers that, in this instance, there were no identifiable matters that were so adverse as to prevent permission being granted.

Members participated in some debate on the matter and views were expressed that the proposal was outside the built up area and would use up open rural land which should be kept for rural purposes. Flooding and highways concerns were also raised.

The Director of Place reminded Members of the importance of making planning decisions based on planning considerations and that they must consider whether the proposal was sustainable and, if not, that any reasons for refusal would need to be capable of being upheld at appeal. A comprehensive amount of detail had been provided in the report from consultees and resultant conditions had been attached.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

439. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

(The meeting concluded at 5.36 p.m.)