

DEVELOPMENT CONTROL COMMITTEE

24 August 2017 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Hall (Acting Vice-Chairman for the meeting), Mrs Bence, Mrs Bower, Brooks, Cates (substituting for Councillor Maconachie), Dillon, Edwards (substituting for Councillor Hitchins), Gammon, Haymes, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells.

[Note: The following Councillors were absent from the meeting during consideration of the matters in the Minutes indicated:- Councillors Brooks and Miss Rhodes Minute 148 (from Application CM/1/17/OUT, part) to Minute 149; and Councillor Wells Minute 148 (from Application A/44/17/OUT) to Minute 149.]

Councillors Ambler, Charles (whole) and Elkins (part) were also in attendance at the meeting.

142. COUNCILLOR MRS MACONACHIE

The Chairman apologised for the late change of date for this meeting but explained this was due to the funeral of the late Councillor Mrs Maconachie taking place at the same time as when the meeting was originally scheduled and members of the Committee had wished to attend to pay their respects.

The Chairman then paid tribute to Councillor Mrs Maconachie for her years of service on the Council and, in particular, for her chairmanship, commitment and contribution to the working of the Committee. He expressed Members' condolences to Councillor Maconachie and the family at this sad time and called for a minute's silence to remember her.

143. WELCOME

The Chairman welcomed Councillor Haymes back as a member of the Committee as he was replacing Councillor Oliver-Redgate.

144. APOLOGIES

Apologies for absence had been received from Councillors Hitchins and Maconachie.

Development Control  
Committee – 24.08.17.

145. 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 Haymes declared a personal interest in Agenda Item 8, Planning Applications LU/177/17/DOC and LU/233/17/DOC as the Portfolio Holder for Technical Services, which encompassed Property & Estates, as these were Council applications.

146. MINUTES

The Minutes of the meeting held on 19 July 2017 were approved by the Committee and signed by the Chairman as a correct record.

147. PREVIOUSLY DEFERRED ITEM

*(Prior to consideration of the following application, the Chairman explained that, in a departure from normal practice, public speakers would be permitted to put forward their views in respect of car parking only.*

*Councillor Elkins, as Ward Member, spoke to the item.)*

FG/198/16/PL – Demolition of existing house with erection of 2 storey building comprising of 8 No. residential 2 bedroom flats & associated external works, 1 Sea Drive, Ferring This application had been deferred from the meeting held on 21 June 2017 on car parking grounds to enable officers to negotiate an improved provision.

The applicants had now submitted an improved provision, with a further 3 parking spaces being added to an enlarged underground car park, so providing a total of 12 car parking spaces, as per amended plan – Proposed Floor Plans – Dwg No. 16/046 – PL004 Rev L dated August 2017. West Sussex County Council, as the local Highway Authority, had raised no objections to the amendments. As a result, the officer recommendation of approval with conditions remained unchanged.

A written officer report update was circulated at the meeting for Members' consideration which detailed additional representations received from the applicant, neighbour, Parish Council and West Sussex County Council as Highways Authority, together with the case officer's responses.

Following a brief discussion on parking at the site and parking in the wider sense throughout the district, the Committee

**RESOLVED**

That the application be approved as detailed in the report.

**148. PLANNING APPLICATIONS**

WA/23/17/OUT – Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. This application is a Departure from the Development Plan, Barnfield House, Arundel Road, Fontwell Having received a report on the matter, together with the officer's written report update detailing:-

- That the S106 had been signed
- A call in request from the Parish Council and responses from the Agent and DCLG (Department of Communities & Local Government)
- NHS consultation response
- Correction to conditions 13, 14, 15 and 21.

In the course of discussion, reference was made to adopted Neighbourhood Plans and the Senior Planning Officer advised that, unfortunately, Neighbourhood Plans were out of date under current policy terms, which was a regrettable situation. 1250 more dwellings were now required in addition to the identified strategic sites. Furthermore, sites that had already been allocated were not at present being developed and this was adding to the problem of the deficiency in the District's housing figures.

Confirmation was requested as to whether this was a brownfield site. The Planning Team Leader read out the NPPG (National Planning Practice Guidance) definition and confirmed that, in his opinion, it was a brownfield site.

Development Control  
Committee – 24.08.17.

Following consideration, the Committee

RESOLVED

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

R/65/17/PL – Demolition of existing dwelling & erection of two-storey apartment building (6 No. two-bedroom apartments), 70 Woodlands Avenue, Rustington Having received a report on the matter, together with the officer's written report update detailing revised plans relating to an amended position for the bin store/cycle parking, the Committee

RESOLVED

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

M/50/17/PL – Application for removal of Condition No. 4 relating to obscured glazing & variation of Condition No. 2 relating to plans following a grant of planning permission M/6/17/PL, 1 Deepdene Close, Elmer, Middleton Having received a report on the matter, together with the officer's written report update detailing a consultation response from Middleton Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

LY/9/17/PL – Demolition of the existing building & cessation of mixed commercial/residential use & redevelopment of the site with a new two storey building, comprising 4 No. residential flats – this is a Departure from the Development Plan, Roseland, the Causeway, Arundel Having received a report on the matter, together with the officer's written report update detailing a consultation response from Environmental Health and subsequent additional conditions, the Committee

RESOLVED

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

*(Prior to consideration of the following item, Councillor Haymes had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

LU/177/17/DOC & LU/233/17/DOC – Application LU/177/17/DOC for approval of matters reserved by condition imposed under LU/314/16/PL relating to Condition 3 – Landscaping; 4 – Habitat Mitigation Strategy; 6 – Foul and Surface water sewerage disposal; 10 – Details of plant and equipment; 14 – Details of kitchen extract system and type of cooking to be undertaken; and 15 External lighting scheme. Application LU/233/17/DOC for approval of condition 5 relating to materials, Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing additional consultation responses received from Environmental Health, the Council's Engineers and Southern Water and receipt of revised landscaping plans for re-consultation with the Greenspace and Ecology Officer, the Committee was advised by the Principal Planning Officer that only two conditions should be discharged as discussions were ongoing with regard to the remaining conditions. It was therefore requested that authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to determine the remaining conditions when appropriate.

The Committee then

RESOLVED - That

(1) Conditions 6 and 14 be discharged; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to determine the discharge of Conditions 3, 4, 10 and 15.

LU/354/16/DOC – Application for approval of matters reserved by condition imposed under LU/224/14/PL relating to conditions 3 – Schedule and samples of materials and finishes; 4 – Details of screen wall/fences; 5 – Surface water drainage; 6 Landscape scheme; 11 Cycle parking spaces; and 12- Noise Protection, Land north of 81-92 Greenfields, Littlehampton Having received a report on the matter, together with verbal advice this was a Council application, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control  
Committee – 24.08.17.

LU/355/16/DOC – Application for approval of matters reserved by condition imposed under LU/222/14/PL relating to conditions no. 3 – Schedule of materials and samples; 4 – screen walls/fences; 5 – Surface water drainage; 6 – Landscaping; 11 – Cycle parking spaces; and 12 – Scheme for protecting dwellings from road traffic noise, Land north of 7-12 Joyce Close, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/356/16/DOC – Application for approval of matters reserved by condition imposed under LU/221/14/PL relating to conditions no. 3 – Schedule of materials and samples; 4 – New screen walls/fences; 5 – Surface water drainage; 6 – Landscaping scheme; 10 – Cycle parking spaces; and 11 – Scheme for protecting the proposed dwellings from road traffic noise, Land north of 31-40 Joyce Close, Littlehampton Having received a report on the matter, together with the officer's written report update detailing that incorrect reference had been made to Condition 12 and should be deleted in the Conclusions and recommendations sections, the Committee

RESOLVED

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

LU/358/16/DOC – Application for approval of matters reserved by condition imposed under LU/223/14/PL relating to conditions no. 3 – Schedule of materials and samples; 4 – Details of screen walls/fences; 5 – Surface water drainage; 6 – Landscaping; 11 – Covered and secure cycle parking spaces; 12 – Roads, Footways and casual parking; 13 – Construction management plan; 14 Vehicle wheel cleaning facility; and 15 – Scheme for protecting the proposed dwelling from road traffic noise, Land north of 52 - 67 Greenfields, Littlehampton The Committee received a report on the matter, together with the officer's written report update detailing the inclusion of Condition 12 to read:-

“The additional information required in relation to Condition 12 is yet to be provided and as such no consultation has been undertaken with WSCC. Therefore, it is recommended that final determination of Condition 12 should be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman of the Committee.”

Following consideration, the Committee

RESOLVED

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

LU/361/16/DOC – Application for approval of matters reserved by condition imposed under LU/227/14/PL relating to conditions no. 3 – Schedule and samples of materials; 4 – New screen walls/fences; 5 – Surface water drainage; 6 – Landscaping scheme; 11 – Cycle parking spaces; and 12 – Scheme for protecting proposed dwellings from road traffic noise, Land north of 31-40 Joyce Close, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/127/17/PL – Proposed detached two storey dwelling, 2 Second Avenue, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

CM/1/17/OUT – Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space and ancillary works, including car parking and drainage arrangements, with appearance, landscaping, layout and scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, and indicated on Bellamy Roberts drawings numbered 4724/004 and 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan and affects the setting of Listed Buildings, Land West of Church Lane and South of Horsemere Green Lane, Climping The Committee received a comprehensive report from the Strategic Development Team Leader, together with an officer's written report update which detailed:-

- Amendments to the report
- Additional representations received
- Updated consultation responses from the Council's Greenspace Section relating to S106 contributions for leisure and sports pitches
- Amendments to conditions to clarify wording to ensure enforceability
- Updated S106 obligations table

Development Control  
Committee – 24.08.17.

Members were also advised verbally of a change to the wording of Condition 28 to read "**No occupation of any dwellings shall take place until** the vehicular access serving the development has been constructed in accordance with Bellamy Roberts drawing 4724/004 Rev B."

The Strategic Development Team Leader gave a full presentation on the detail of the application and concluded by advising that it had been assessed in relation to the development plan and other relevant material considerations. As such, it was considered that the principle of development on the site was acceptable and would make a contribution to meeting housing and affordable housing needs, together with providing highway and other infrastructure improvements. It was therefore being recommended for approval.

In opening up the debate, the Chairman asked if the application was approved, would there be a rerouting agreement with the developers to ensure the construction traffic would not be overburdensome on the local roads, particularly that going north. An affirmative response was given. A representative from County Highways was in attendance at the meeting and made comment on a number of issues that were raised by Members.

In discussing the matter, it was acknowledged that this was a difficult application and there were arguments both for and against the proposal. However, Member comment concentrated in the main on the negative impact of the development on the area and the unacceptable pressure that would be put on the infrastructure locally, namely schools, doctors surgeries, police, etc, even taking account of the S106 contributions that had been agreed. Additional comments were made relating to the fact it was felt the application was premature and why develop on Grade 1 agricultural land?

Highways issues were highlighted and there was major concern that the Oyster Catcher and Comet Corner junctions were dangerous and work needed to be done to rectify that, particularly in light of the extra traffic that would be generated by the proposal. It was not felt that the safeguarding of land for improvements in the future was sufficient to mitigate the harm that would be caused by the increased vehicle movements around those junctions as the development progressed. A statement was made that the local community was looking for a solution now.

It was therefore suggested that the application be deferred to enable officers to go back to the developer and renegotiate the S106 contributions in respect of the Oyster Catcher junction. Officer advice was given that the S106 contributions were considered to address the impacts arising from the development and it would therefore be difficult to go back to try and improve on what had been achieved.



Members were asked to clarify exactly what they wished officers to renegotiate on in the event of a deferral and some discussion took place to that effect. The Director of Place entered the debate and stated that he had heard the comments around the Oyster Catcher junction and would not argue that improvements were required. However, the question was whether the development itself gave rise to the need for those improvements. The implication of this proposal was that there was quite a significant amount of additional contributions over and above what the Local Plan was suggesting and that would help to deliver major highway improvements and secure land and, as such, could be considered to be a model development in its own right. The applicant had the right to go to appeal and Members were reminded of the risks that would incur, as had been experienced at Westergate when the Inspector had reduced substantially the benefits of the S106 contributions that had been negotiated as they did not meet the tests in place.

Having been formally proposed and seconded, Members turned their attention to the vote to defer and that was declared LOST.

The Committee then considered the recommendation from officers to approve and, on being put to the vote, did not support that recommendation. The Chairman called a short adjournment to enable officers to draw up reasons for refusal based on the foregoing debate.

On the meeting being reconvened, the Director of Place gave advice on the issues that had been raised in the debate as possible reasons for refusal, as follows:-

- Application premature pending determination of the Local Plan – in essence Members would not be objecting to the application on technical grounds - **Agreed**
- Loss of Grade 1 Agricultural Land would be difficult to support as that would be contrary to what the Council had already vote on and would in effect be against the Local Plan – **Not agreed**.
- Highways issues could be relevant as the safety of the Oyster Catcher and Comet Corner junctions could be compromised - **Agreed**
- Lack of S106 contributions for police, fire and education – difficult to ask for more as the providers had stated their requirements – **Not agreed**
- The proposal, if permitted, would represent an inappropriate scale of development on this site which would be contrary to the character and appearance of the locality – as there was a split vote the Chairman used his casting vote and this was **not agreed**

The Director of Place requested that the Committee nominate two Members to represent the Council at appeal to explain the reasons for refusal and to justify

Development Control  
Committee – 24.08.17.

the decision made as it might not be possible to procure consultants on this occasion.

The Committee

RESOLVED

That the application be refused for the following reasons:-

1. Notwithstanding the lack of 5 year housing land supply, the proposals, if permitted, would be premature pending the final examination of the Arun District Local Plan and therefore contrary to Planning Practice Guidance.
2. The development does not satisfactorily mitigate the severe impact of the development on the safety at the Comet Corner and Oyster Catcher junctions contrary to saved Policies GEN7 and GEN8 of the Arun District Local Plan (2003), Policies H SP2, H SP2c, T SP1 and INF SP1 of the modified emerging Arun District Local Plan 2011-2031 (updated March 2017) and CPN 14 of the Climping Neighbourhood Plan (2015).

A/44/17/OUT – Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90 No. residential units and a care home [Use Class C2 and C3] & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton and Rustington, Land west of Brook Lane and South of A259, Angmering Having received a report on the matter, together with the officer's written report update detailing:

- Grampian condition required relating to the provision of pedestrian access to the east of the site.
- Representation received from West Sussex County Council Local Access Forum
- Letter of representation from local resident raising a number of questions
- Operators Statement received from St Mathews Health Care
- Removal of condition relating to the Gypsy/Traveller pitches as this would be secured via the S106 agreement.
- The Heads of Terms for the S106 Agreement had been updated to include further information regarding the MUGA contribution, NHS contribution, Care Home Provision and Gypsy/Traveller pitches and was attached to the officer update.

Members were also advised that, as the S106 Agreement had not been signed, any approval would be subject to completion of the S106.

In considering the proposal, considerable concerns were raised with regard to its siting immediately adjacent to an extremely busy section of the A259 to the north and the railway line to the south, together with the access and egress to the site. Reservations were also raised in relation to having a care home within the development. Member comment was made that the bridge crossing the railway line must be DDA compliant and until that was confirmed the proposal could not be supported. Officer advice was given that the relevant condition had been so worded that details of the bridge would have to be submitted prior to construction to ensure that it met the relevant standards. A further concern was raised that the site did not have access to public transport and any bus services were a considerable distance away for people to walk to.

On being put to the vote, the Committee did not accept the officer recommendation to approve and, following further discussion

#### RESOLVED

That the application be refused for the following reasons:-

1. The proposed development by reason of its location is considered not to provide suitable access to public transport opportunities contrary to policies GEN7(iii) of the Arun District Local Plan; Policies H DMD, D DM1 and T DM1 of the emerging Arun District Local Plan; and Paragraphs 17 and 35 of the National Planning Policy Framework.
2. The development by reason of its proximity to the railway line would result in an unacceptable risk to the safety of the future occupiers of the site contrary to Policy GEN7(v) of the Arun District Local Plan.

#### 149. PLANNING APPEALS

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

(The meeting concluded at 7.00 p.m.)