

DEVELOPMENT CONTROL COMMITTEE

20 September 2017 at 2.30 p.m.

Present: Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Dillon, Gammon, Mrs Hall, Haymes, Maconachie, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells.

[Note: The following Councillor was absent from the meeting during consideration of the matters in the Minutes indicated:- Councillor Miss Rhodes, Minutes 186 (from Planning Application WA/44/17/OUT part) to 188.]

Councillors Ambler, Charles and Wheal were also in attendance at the meeting.

183. 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.

As Planning Application WA/44/17/OUT was an item on the agenda and had been the subject of a petition considered by the Overview Select Committee on 30 May 2017 and Full Council on 12 July 2017, Members of this Committee made declarations of interest as indicated below.

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“I wish to make this meeting aware that I may have made public statements in the past at the Overview Select Committee and at Full Council and/or in other circumstances with regard to the request of Walberton Parish Council that the site be considered for a potential Local Green Space when Walberton’s Neighbourhood Plan is reviewed. These were my views that I held at that time.

However, this is a decision that needs to be made on a different matter on the same site and I have an open mind regarding this item and I will listen and consider all the relevant issues and interests presented to this Committee today and I confirm that I will reach my decision on merit and not bias.

For the record I ask that this declaration be recorded in the Minutes of this meeting”.

Councillors Mrs Bower, Haymes, Mrs Oakley and Mrs Stainton made their declarations as per the whole statement.

Councillors Mrs Bence, Bower, Brooks, Dillon, Gammon, Mrs Hall, Maconachie, Miss Rhodes and Wells confirmed their declaration as per the second paragraph.

Councillor Hitchins declared that he had taken a decision not to attend the meeting of the Overview Select Committee as the matter was on the agenda and he therefore did not take part in any discussion.

The following Members also made declarations of a personal interest in respect of Planning Application BR/194/17/PL as follows:-

Councillors Bower, Dillon, Hitchins (as Chairman), Maconachie and Wells as members of the Bognor Regis Regeneration Subcommittee.

Councillor Wells also stated that he had made a statement prior to the meeting with regard to public toilet provision in Bognor Regis which had been published on the Arun Planning Portal. However, he would now consider the application on its own merits and consider the views and comments made in the debate and come to a decision based on merit rather than bias.

Councillor Dillon also advised that, as a member of the Bognor Regis Town Council’s Planning and Licensing Committee where the matter had been considered, he had reserved his position on that occasion.

Councillor Brooks, as a member of Bognor Regis Town Council, stated that he had made a statement on the matter but had not taken part in any discussion.

Councillor Haymes advised that his personal interest was due to his being the Cabinet Member for Technical Services, which covered Arun's Estates and Properties.

184. MINUTES

The Minutes of the meeting held on 24 August 2017 were approved by the Committee and signed by the Chairman as a correct record.

185. PREVIOUSLY DEFERRED ITEM

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

This application had been considered at the meeting held on 24 August 2017 and, for the avoidance of doubt, was being re-presented to Members for redetermination by way of the attached report in light of the correction to previous officer advice. The correct position was that this land was NOT within the definition of "previously developed land". The whole of the previous report dated 24 August 2017 and the update sheet was therefore re-presented to the Committee for redetermination.

Rule 15 of the Council's Constitution relating to Previous Decisions and Motions, did not apply in this case as the decision could not be considered to be valid and legal due to the incorrect advice given.

The Planning Team Leader, at the meeting on 24 August 2017, had incorrectly advised that the site was not "greenfield" land and, following the meeting, had realized that that was incorrect. However, since publication of the agenda, the applicant's agent had drawn the Council's attention to a recent, relevant High Court decision which set out case law which determined that residential garden land, outside "built-up areas" was deemed to be "brownfield" land and was not, as had been widely understood "greenfield" land. The Planning Team Leader therefore highlighted the written officer report update which had been circulated at the meeting and which provided the detail of that decision.

Members were now being asked to reconsider the application and were advised that the report and report update previously considered did not conclude that the reasons for granting permission were based on whether the site was or was not brownfield land – rather that there were material considerations to justify approving the application contrary to the development plan.

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The Committee then

RESOLVED

That the application be approved subject to the conditions in the report, and as amended by the update sheet circulated at the meeting on 24 August 2017, as the advice given did not affect the main conclusion in the report.

186. PLANNING APPLICATIONS

(Prior to consideration of the following application, Councillors Bower, Brooks, Dillon, Haymes, Hitchins and Wells had declared a personal interest and remained in the meeting and took part in the debate and vote.)

Demolition of existing Foreshore office & decommissioning of existing underground toilets. New purpose built unisex toilet block including urinals, baby changing facilities & accessible WC, plus a separate beach office with public information point & first aid facilities. All located on the existing seafront promenade, Promenade opposite Walton Avenue, The Esplanade, Bognor Regis
The Committee had received a report on the matter, together with the officer's written report update detailing:-

- Correction to the site location plan
- Amended plan submitted
- Clarification of toilet opening hours
- Additional condition requiring a screen on the railings behind the toilets
- Replacement of condition 3 to require detailed schedule of materials to be used prior to development taking place.

The Committee participated in a full debate on the matter.

Comment was made that, whilst understanding the concerns of residents living opposite the proposal, the underground facilities needed to be replaced to better cater for the elderly, infirm and disabled. It was felt that the proposed screen would alleviate concerns with regard to overlooking into the flats opposite.

A question was asked about the objection from the Police and the fact that they would prefer the doors to the toilets to face the Promenade to remove the possibility of creating blocked off areas and to also reduce the opportunity for robbery and assault, as well as reducing the fear of crime by utilising natural surveillance. A Member response was given that the Police had taken the wrong measurements which indicated that the building was much nearer to the railings

than was actually the case – it was felt that there was plenty of room between the railings and the open doors of the facilities when in use.

It was highlighted that the proposal could have been constructed under Permitted Development Rights (PDR) without coming to Committee for consideration but the Council had gone through the planning application process to enable the public to make comment, much of which had been addressed.

Concerns were raised with regard to the location of the site; doors to the toilets facing the road rather than opening out onto the Promenade and that the Police had objected in this respect; that they were unisex; and that the design and materials for the screen should be determined by the Committee. Comment was also made that there were not sufficient cubicles to cater for coach passengers when they arrived in Bognor Regis.

Following consideration, it was proposed and duly seconded that the matter be deferred to further look at the location of the site; access to the toilets; number of cubicles; and to seek clarification with regard to the screen details. The Group Head of Planning requested that the Committee be clear about the reasons for deferring an application so that officers could go away and address specific issues. He stated that fundamental issues such as location should not be used as a reason for deferral as that would not be addressed within this application. Opinion was split as to whether that was the right course of action but on being put to the vote the Committee

RESOLVED

That the application be deferred to enable officers to undertake further consultation; to look at access to the toilets; number of cubicles; and to seek clarification with regard to the screen details

EG/41/17/PL - Demolition of existing garage & construction of 2 No 4 bedroom dwellings, 59 Elm Grove, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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WA/44/17/OUT – Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area, Land East of Tye Lane, Walberton The Committee received a report on the matter, together with the officer's written report update detailing:-

- Additional representation received
- Response from County Highways regarding HGV routing on the roads around Walberton confirming that "the existing (routing) agreements will have been recorded within the base line traffic flows recorded within the survey work. These flows have then been growthed up using TEMPRO for future year modelling scenarios".
- Response from Highways England stating that the S106 will need to ensure that the applicant would enter into a s278 for agreed mitigation works on the agreed plan for improvements to the Yapton Lane junction or contribute to the Arundel Bypass Scheme, if that is progressed. The Highways England case officer had indicated that he would be content for the Committee to resolve to permit, subject to resolution of transportation matters.
- Representation received from Walberton Parish Council regarding developer contributions
- Financial figures provided by West Sussex County Council for Highways and Transport; Education; Library; and Fire & Rescue had also been provided in the updated S106 table circulated with the update sheet.
- Verbal confirmation had been received from the NHS that there were no tangible health schemes relating to the current outline planning application that required developer contributions as part of the draft S106 agreement.
- Response from the Council's Cultural Development team requesting developer contributions of £77,743 to provide additional multi-use health and fitness/studio space and dry changing to increase capacity and overall customer experience at Arun Leisure Centre
- Removal of plans listed in the update from Condition 4, as requested by the applicant
- A letter and overview document to Members of the Committee and the relevant planning officer had been sent by the applicant to provide a summary of the details submitted with the outline planning application.
- Table detailing S106 obligations

The Committee received a comprehensive presentation on the detail of the application from the Principal Planning Officer and was particularly advised on the Highways England update.

The Group Head of Planning also advised on the Development Plan context of the application. For the reasons given in the report, the relevant policies in the Arun District Local Plan and the Walberton Neighbourhood Plan were considered to be out of date and therefore carried limited weight. Walberton parish Council had decided not to include the site in its Neighbourhood Plan as a local green space and could only revisit that when the Plan was reviewed. The Council's HELAA (Housing & Economic Land Availability Assessment) for 2013 had assessed the site as not being suitable for development but the 2017 version had made an assessment that the site was available, achievable and suitable and was therefore deliverable in the short term. He stated that the disagreement to this conclusion by Full Council was a factor but was only one consideration of many in considering the overall balance of the proposals. The application was also considered to be sustainable.

Whilst sympathising with the Parish Council regarding the changes to the village character of Walberton that would arise from this development, a Member view was expressed that the proposed development was generous in its provision of open space, orchard and allotments. The Parish Council was also commended for its "wish list" of requirements to help with community facilities.

On the question being asked, the Group Head of Planning advised that the Secretary of State had not asked for the application to be called in and it was for the Committee to make a determination as the determining authority.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

187. PLANNING APPEALS

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

188. INDEXATION OF COMMUTED SUMS PAYMENTS

The Committee received a report from the Director of Place which sought the Committee's agreement to updating the Council's methodology for calculating commuted sums to reflect the Retail Prices Index (RPI) as at April in any given year. This approach would provide clarity and inform the public and would be applied to all Section 106 commuted sums.

Subject to approval at the next Committee meeting

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The Committee agreed with the proposal and

RESOLVED – That

(1) an annual updating of any standard commuted sum charges to reflect the Retail Prices Index (RPI) as of April in any given year, be approved; and

(2) the standard charges to be published on the Council's website.

(The meeting concluded at 4.30 p.m.)