

PLANNING COMMITTEE

28 July 2021 at 2.00 pm

Present: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Charles, Coster, Edwards, Kelly and Thurston

184. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Tilbrook and Goodheart.

185. MINUTES

The Minutes of the meeting held on 21 July 2021 were approved by the Committee.

186. DECLARATIONS OF INTEREST

Councillor Edwards declared a Personal Interest in Agenda Item 9 [BE/59/21/PL] as a former West Sussex County Councillor for Bersted who had spoken at length with some of the Public Speakers on related matters. He confirmed that he would judge this application on its merits and make his decision on that basis.

187. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair explained that following the revision of the Council's Constitution with regard to Planning matters [Public Speaking at Planning Committees – Part 8, Section 3 – Planning Protocol, Paragraph 11.5], it had become clear that the restricted time of three minutes allowed for each group, rather than individuals, on applications before the Committee was unduly restrictive. In particular for applications on which there was a high level of public and professional interest the time restriction would effectively disenfranchise parties with particular and personal interests.

He proposed a motion in response to this, which was seconded by the Vice-Chair and debated by the Committee.

The Committee

RESOLVED

That this Committee agrees that for this meeting (28th July 2021) the Chairman will exceptionally use his discretion as Chairman to allow each registered public speaker to speak for up to 3 minutes on each application for which they have registered their interest.

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## The Committee

### RECOMMEND TO CONSTITUTION WORKING PARTY

That they urgently review the provisions on public speaking on Planning matters, so that the reputation of the Council as an open and transparent Authority be safeguarded.

A Member asked if it could be confirmed whether site visit protocol was in the new Constitution. The Council's Solicitor confirmed that guidance for site visits was in the Constitution and referred the Member to the Planning Protocol at Part 8, Section 3, Paragraph 13.

The Chair also confirmed that the running order of the meeting would vary from that of the published agenda due to the Covid-19/Health and Safety restrictions in place at this meeting, and the new running order would be as follows [published agenda item numbers in brackets]:

6. BE/59/21/PL [Item 9]
7. AL/40/21/PL [Item 7]
8. AL/50/21/PL [Item 8]
9. BN/150/20/PL [Item 10]
10. BR/129/21/OUT [Item 11]
11. Review of Pre Planning Application Advice Fee Report [Item 13]
12. Appeals [Item 15]

AL/20/21/PL [Item 6] and LU/158/21/PL [Item 12] had been withdrawn ahead of the meeting.

#### 188. BE/59/21/PL 339 CHICHESTER ROAD, BERSTED

*[Councillor Edwards re-declared his Personal Interest made at the start of the meeting. Councillor Charles declared a Personal Interest as a Member of West Sussex County Councillor.]*

#### 5 Public Speakers

Cllr Dennis Thompson – Bersted Parish Council  
Gary Bottwood - Objector  
Graham Wingate – Objector  
Daniel Delaney – Applicant  
Tom Hayes – Agent

Replacement of blockwork boundary wall with fence and new vehicular access (resubmission of BE/149/21/PL)

The Planning Team Leader presented his report. This was followed by 5 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including:

- the presence of small or medium commercial vehicles in the vicinity of the proposed access
- that parking could not be controlled on Bedford road (the site of the proposed access) and that West Sussex County Council had tried by previously installing bollards which were no longer there
- parking on the pavement in a crowded residential road being a District matter
- another road immediately opposite the proposed access and the need to ensure the plan is located precisely
- visibility splays and maintaining them, especially when the road is full of parked cars
- concerns over the height condition and whether the applicant could control this
- ensuring that conditions were enforced, and whether double yellow lines could be installed to this end
- the addition of a non-commercial vehicle condition
- the lack of photographs of the site in the report to understand the implications of the decision
- the need for a Traffic Regulation Order (TRO) for reoccurring parking issues or whether a TRO would just shift parking issues elsewhere
- the lack of objection from the Highways Authority, and this being an issue if the Committee was minded to refuse the application
- whether representation from the Committee should be sent to West Sussex County Council
- only being able to decide on the application based on the information available now and not on any future interventions that may or may not take place
- the lack of room on the pavement for pedestrians and those with disabilities, wheelchair users, people with prams etc
- whether a new access would further reduce parking space on this road

The Planning Team Leader and Director of Place provided Members with answers to all points raised during the debate. It was confirmed an additional condition ensuring the use of the land to the rear of the building should remain associated to 339 Chichester Road and not for separate business use in accordance with policy D DM1 of the Arun Local Plan and the NPPF would be added to the decision notice if the application were approved by the Committee.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

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189. AL/40/21/PL LAND ADJACENT TO BYFIELDS, NYTON ROAD, WESTERGATE PO20 3US

Construction of 1 No. 3 bed dwelling. This application is in CIL Zone 2 & is CIL liable as new dwelling.

The Planning Team Leader presented his report with updates.

Members then took part in a full debate on the application where a number of points were raised including:

- the need for an independent bat survey before consent could be given
- the whole of Aldingbourne being a bat corridor, with 9 species of bat being present
- delays from Natural England
- the Cost of bat surveys and whether a single bat survey could be produced by/for the Council that all future applicants could use
- that it was irresponsible to put such stress on a bat survey for this application
- the application not having all the necessary information for Members to reach a decision – no response from the Council's Tree Officer despite many trees being mentioned in the report
- whether any removed trees would be replaced

The Planning Team Leader provided Members with answers to all points raised during the debate, confirming that planning applications could not be delayed due to delays in consultee responses and that if approved the applicant would have 14 days from the date of the meeting to get a bat survey done or the application would be refused under delegated authority.

The Committee

RESOLVED

That the Planning Committee delegate the decision to the Group Head of Planning (in consultation with the Chair). The decision will be made following the submission of a further ecology report by the applicant and further consultation thereafter with the Council's Ecologist. If no further ecology report is received by the Council within 14 days of this resolution the application will be refused for the following reason:

Due to the lack of suitable information regarding the bats the Council cannot be certain that the impact on biodiversity would not be adversely harmful contrary to Policy ENV DM5 of the Arun Local Plan and the NPPF.

190. AL/50/21/PL L'APACHE, WESTERGATE STREET, WOODGATE PO20 3SQ

Variation following grant of AL/103/18/PL to amend Condition No.2 approved plans – to change the design & Layout of approved 2 No. dwellings

The Planning Team Leader presented his report with updates.

Members then took part in a full debate on the application where a number of points were raised including:

- the access to these properties
- the width of the access road and whether it was narrower than a standard width
- that it was regrettable that applicants resubmit for larger development once planning permission had been given on a smaller proposal
- Concerns over more cars in the area
- Whether the materials used would be different to what was previously agreed in AL/103/18/PL

The Planning Team Leader provided Members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

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191. BN/150/20/PL LAND AT CHANTRY MEAD & REAR OF 14-18 DOWNVIEW ROAD, BARNHAM PO22 0EG

2 Public Speakers

Linda Wale – Objector

Kerry Simmons - Agent

3 No dwellings including access, landscaping & associated works (resubmission following BN/51/20/PL). This site is in CIL Zone 2 and is CIL Liable as new dwellings.

The Planning Team Leader presented his report with updates. This was followed by 2 Public Speakers.

Members then took part in a full debate on the application where a number of points were raised including:

- sympathy for residents
- the possibility of alternative access to the site
- precedent and its relevance for future planning decisions
- that this application was an improvement on a previously refused application [BN/51/20/PL] and the applicant was commended for this

The Planning Team Leader and Director of Place provided Members with answers to all points raised during the debate.

The Committee

**RESOLVED**

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed.

192. BR/129/21/OUT 26 BURNHAM AVENUE, BOGNOR REGIS PO21 2JU

2 Public Speakers

Nick Hopper – Agent

Christian Brian – Applicant

Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/190/20/OUT).

The Planning Team Leader presented his report with updates. This was followed by 2 Public Speakers.

The Committee

RESOLVED

That the Planning Committee recommend that the application be granted subject to a s106 Agreement. As the s106 Agreement has not been completed the Planning Committee delegate the decision to the Group Head of Planning (in consultation with the Chair) to make on completion of a s106 Agreement. The Group Head of Planning has authority to make minor amendments to the s106 Agreement if required. Should the s106 Agreement not be completed within 4 months of the date of this resolution, the application shall be refused for the following reasons:

1. In the absence of a signed s106 Agreement, the development makes no provision for the contributions to off-site public open space, and is thereby contrary to the aims and objectives of the NPPF, Arun Local Plan policies INF SP1, HWB SP1 and OSR DM1 and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports Facilities (January 2020)"
2. In the absence of a signed s106 Agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

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193. REVIEW OF PRE PLANNING APPLICATION ADVICE FEE REPORT

Upon the invitation of the Chair, the Planning Team Leader presented his report to the Committee and confirmed that the service had been reviewed in 2018 and was now being reviewed again particularly with regards to fees. He explained that by using this service, applicants gave the Council a good idea about what projects were coming up in the District and that the Council could influence applications at early stage.

The recommendations were then proposed and seconded.

The Committee

RESOLVED that

1. The pre-application planning advice fees be amended in accordance with the attached report;
2. The fee schedule to be implemented on 1 September 2021 after this report is agreed to allow notification to planning agents, changes to the web etc;
3. The pre-application advice fees be reviewed 2 years from the date of the changes agreed by this report being implemented.

194. APPEALS

The Committee noted the Appeals list.

(The meeting concluded at 3.42 pm)