

PLANNING COMMITTEE

28 September 2022 at 2.00 pm

Present: Councillors Chapman (Chair), Edwards (Vice-Chair), Blanchard-Cooper, Bower, Chace, Mrs Haywood, Kelly, Lury, Thurston and Warr

The following Member was absent from the meeting during consideration of the matters referred to in the Minutes indicated:-  
Councillor Warr – Minute 302.

Apologies: Councillor Goodheart

296. DECLARATIONS OF INTEREST

Councillor Warr declared a Prejudicial Interest in Agenda Item 7 (BE/57/22/PL Land adjacent to Tesco Express, 351 Chichester Road, Bersted PO21 5AN).

297. MINUTES

The Minutes of the previous meeting held on 24 August 2022 were approved by the Committee and signed by the Chair.

298. 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 confirmed that there were no urgent items to consider at this meeting.

299. K/22/22/PL LAND EAST OF KINGSTON HOUSE, KINGSTON LANE, KINGSTON

3 No stables and a barn. This site is in CIL Zone 3 (Zero Rated) as other development.

The Planning Area Team Leader presented the report with updates. He explained that the application was deferred by Committee on 24 August 2022 [Minute 226] pending a site visit to establish if there was a bridleway on the land. A site visit on 2 September 2022 attended by 4 Members of the Committee established that there was no bridleway on the land.

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Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- the site being part of the strategic gap between East Preston and Ferring
- the exposed nature of the site and how visually set apart from other buildings the proposed buildings were
- access to bridleways, the lack of any in the immediate vicinity, horses having to cross the A259 and use public footpaths in accessing them, and therefore a lack of a justification in approving what was proposed
- concerns over the impact the size of the proposed building and the area of hardstanding that would surround it may have on the area
- the similarity of a previous planning application granted but expired on the site

The Planning Area Team Leader noted the planning history as outlined in the Officer report and stated that he was unaware of the details of the previous permission but it had expired and was no longer extant.

The Officer recommendation to approve conditionally was then proposed by Councillor Edwards and seconded by Councillor Blanchard-Cooper. After a vote, the recommendation was declared NOT CARRIED.

Reasons for refusal were then discussed by Members. These included the application being an unacceptable encroachment into the strategic gap, the proposed development being out of character with its surroundings and the character of the locality, a lack of justification for it due to the limited access to the bridleway network, and the proposal not meeting the full tests of policy EQU DM1 in the Arun Local Plan.

The recommendation to refuse was then proposed by Councillor Bower and seconded by Councillor Lury.

The Committee

RESOLVED

That the application be REFUSED on the grounds of the impact to the strategic gap and character of the locality, and the accessibility to the bridleway network.

The Members who voted against the Officer's recommendation to approve and for the recommendation for the application to be refused were Councillors Bower, Chace, Chapman, Haywood, Kelly and Lury. There were no votes cast against this recommendation and the Members who abstained during the vote were Councillors Blanchard-Cooper, Edwards, Thurston and Warr.

300. BE/57/22/PL LAND ADJACENT TO TESCO EXPRESS, 351 CHICHESTER ROAD, BERSTED PO21 5AN

*[Having declared her Prejudicial Interest, Councillor Warr did not participate in the discussion or vote on this item.]*

2 Public Speakers

Stephen Potts – Objector

Molly McLean – Agent

Erection of 6 No. 2-storey dwellings consisting of 2 No 2 bed units & 4 No 3 bed units, access, parking, cycle storage, bin store and other associated landscape works (resubmission following BE/104/21/PL). This site is in CIL Zone 4 & is CIL Liable as new dwellings.

The Planning Area Team Leader presented the 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 and responded to by Officers, including:

- concerns over impacts to parking and traffic whilst noting that the site used to be a pub with lots of traffic accessing it so not a grounds for refusal
- developers using the fact that Arun did not have a 5-year housing land supply to justify development whilst at the same time not building out approved planning applications at the rate they were supposed to
- the sustainability of the plot with good access to the public transport network
- the current state of the site, described by one Member as an eyesore
- the site having been identified in the Bersted Neighbourhood Plan for housing and therefore the inevitability of development
- concern for the impact on surrounding properties, some of which were of character
- the distances from the proposed development to the existing houses behind being consistent with the Arun Design Guide

The recommendation was then proposed by Councillor Chace and seconded by Councillor Kelly.

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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301. BE/73/22/PL ARUN RETAIL PARK, UNIT G, SHRIPNEY ROAD, BOGNOR  
REGIS PO22 9NF

2 Public Speakers

Kirill Malkin – Agent

Kevin Hydes – Supporter

External alterations to the existing building associated with the change of use from Class E Restaurant to Sui Generis (consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises), alterations to car park including the creation of a drive-through lane, reconfiguration of cycle parking, new pedestrian crossings, and the increase in number of car parking spaces, relocation of footpath, removal of 2 x TPO trees (to be replaced), landscaping and associated works.(Resubmission following BE/16/22/PL). This application is in CIL Zone 4 (zero rated) as other development).

The Planning Area Team Leader presented the report with updates. He verbally updated Members on a proposed change to Condition 8 [the location of required fire hydrants] of the recommendation following communication with the applicant but before confirmation could be sought from West Sussex County Council's Fire and Rescue Service. 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 and responded to by Officers, including:

- issues with parking and the size of parking spaces at the Arun Retail Park and the additional impacts a Drive Thru might have
- whether Arun needed another Drive Thru
- the condition of the trees with Tree Preservation Orders (TPOs) [identified as Category U] not having been mentioned before and what this meant for their longevity
- whether more needed to be done to keep the trees with TPOs
- the delayed benefits of the proposed new trees which would be significantly smaller for a long time

The recommendation was then proposed by Councillor Chace and seconded by Councillor Edwards.

The Committee

**RESOLVED**

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions as detailed, with a proviso that Condition 8 would only be applied if West Sussex County Council's Fire and Rescue Service following further consultation did not accede to the applicant's request.

302. BR/156/22/PL 62-64 HIGH STREET, BOGNOR REGIS PO21 1SP

*[Councillor Warr declared a Prejudicial Interest at the beginning of the item and left the meeting for its duration. She did not participate in the discussion or vote on the item.]*

1 Public Speaker

Tania Tindale – Agent

Upward extension of one storey and conversion of the existing first and second floors of the building to provide 38 student rooms along with associated elevational changes and reconfiguration of ground floor, including provision of refuse and recycling facilities and cycle store to the rear. This application may affect the setting of a Listed Building and is in CIL Zone 4 (zero rated) as flats.

The Planning Area Team Leader presented the report with updates. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- whether the accommodation was solely for students and whether any agreement had been entered into with a local university
- the lack of justification for the extra floor
- concerns of overdevelopment
- the loss of character to the area around the High Street

The Planning Area Team Leader confirmed that, in this instance, the development was a HMO in planning terms with the intention that they be student accommodation not a planning issue.

The recommendation was then proposed by Councillor Edwards and seconded by Councillor Chace.

The Committee

RESOLVED

To delegate to the Group Head of Planning in consultation with the Chair and Vice Chair authority to:

- a) Grant planning permission subject to conditions; and
- b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning

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Should the Section 106 Agreement not be completed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

1. In the absence of a signed Section 106 agreement, the development makes no provision for contributions to improving local fire & rescue services and is thereby contrary to the aims and objectives of the NPPF and Arun Local Plan policy INF SP1.
2. In the absence of a signed Section 106 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.

303. LU/205/22/PL 25 RIVER ROAD, LITTLEHAMPTON BN17 5BZ

1 Public Speaker

Molly McLean - Agent

Demolition of existing car garage (B2) and the erection of 2no. residential buildings comprising 4no. flats (C3) with associated works (resubmission of LU/151/21/PL). This application affects the character and appearance of the Littlehampton (River Road) Conservation area and is in CIL Zone 4 (zero rated) as flats.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker.

Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- how the development would look from the street
- the conditions on window design and materials
- underground parking by excavation and concerns with setting a precedent
- the impact of the underground parking to the street scene and whether the access should have some sort of door or other means of obscuration
- support for the design
- Arun's long established policy regarding underground parking and the need to replicate the conditions from previous underground parking applications
- concerns over the scale and character of the proposals

When questioned about whether there was any kind of door to the garage area, the Planning Area Team Leader confirmed that there was not but that one of the suggested conditions could be amended to include a requirement for a door. The Group Head of Planning then stated that it was probably not sensible to require a door because of the flood zone in which the application site was located within.

The recommendation was then proposed by Councillor Blanchard-Cooper and seconded by Councillor Bower.

The Committee

RESOLVED

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

304. P/96/22/HH 97 HARBOUR VIEW ROAD, PAGHAM PO21 4RJ

2 Public Speakers

Christopher Barrow – Agent

Cllr David Huntley – Arun District Council Ward Member

Erection of single storey outbuilding to rear.

The Planning Area Team Leader presented the report. This was followed by 2 Public Speakers.

After discussing the position of the existing shed in relation to the proposed one and seeking clarification that the outbuilding would be ancillary to the main residence and not separate from it, the recommendation was proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

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

305. M/145/21/HH 44 SOUTHDEAN DRIVE, MIDDLETON-ON-SEA PO22 7TB

Roof extension to facilitate conversion of loft to habitable use and alterations to fenestration.

The Legal Services Manager presented a covering report which explained that the application was considered and determined by an Officer but that it had since come to light that the application was a 'Member application' and as such could only have been determined by Committee. The Planning Area Team Leader then presented the planning application.

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Members then took part in a full debate on the application where a number of points were raised and responded to by Officers, including:

- clarification of the checks and balances in the process to screen applications for this sort of issue to ensure there were no grounds for accusations of favouritism
- whether erroneous applications should be voided in their entirety and completely new corrected applications should be submitted
- the error being that of the agent who submitted the application on behalf of the applicant, and the duty of care and trust in this professional relationship

The Legal Services Manager explained that planning applications were often submitted by architects and agents on behalf of the applicant who might not be fully aware of an applicant's Local Authority status, that the application was valid in itself when it was made and as was usual practice with any incomplete application Officers would go back to the agent or applicant and ask for more information as they had done in this situation. The Interim Head of Development Management clarified that the national planning application form did have a section in which the applicant could declare if they were a Member of the Council or related to a Member, and that on this occasion the agent had completed that section in error by not declaring the applicant's status. The Group Head of Planning noted that the Planning department received over 2000 planning applications a year and issues of resources meant that a process which ensured applications were 100% free from errors was not possible because every part of every planning application form simply could not be checked.

The recommendation was then proposed by Councillor Edwards and seconded by Councillor Bower.

The Committee

RESOLVED

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

The Chair highlighted paragraph 7.1 of the Officer's report [on page 99 of the Agenda Pack] which noted a conflict between parts 7 and 8 of the Council's Constitution. The Chair of the Constitution Working Party (and Member of the Committee) confirmed that this conflict would be addressed in the next review of the Constitution.



306. AL/72/22/PL ROCK HOUSE, WESTERGATE STREET. ALDINGBOURNE

1 Public Speaker

Clare Blatchford-Hanna – Applicant

Demolition of Servac Int workshops keeping certain structures and features, to renovate them in to a 2 No carport, with storage loft and re-landscaping to provide new gardens and biodiversity zones. This application may affect the setting of a listed building and is in CIL Zone 3 (Zero Rated) as other development.

The Legal Services Manager presented a covering report which explained that the application was considered and determined by an Officer but that it had since come to light that the application could only be determined by Committee as it was excluded from the delegation to Officers due to the Parish Council concerned having previously given their approval for the application. This was followed by 1 Public Speaker given permission to speak at the Chair's discretion. The Planning Area Team Leader then presented the application which Officers were recommending be refused.

The Group Head of Planning apologised that this error had happened. He stated that the Case Officer was not a permanent member of staff but that this was not an excuse because they should have been briefed on the scheme of delegation. He also stated that this was the first report of this kind that he could ever recall having to present to Committee. When questioned, he confirmed that there were no other cases that needed to be brought to Committee for this reason.

After one Member raised the issue of determining the application whilst further information was still being sought, a recommendation to defer was proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

That the application be DEFERRED for further consideration of information yet to come forward.

It was noted that the decision would be delegated to Officers, in accordance with the adopted scheme of Officer delegations, if following consideration of the further information, Officers were minded to recommend approval, consistent with the views of the Parish Council.

307. APPEALS LIST

The Committee noted the Appeals list.

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308. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2022 TO 30 JUNE 2022

Upon the invitation of the Chair, the Interim Head of Development Management presented the report which set out the performance of the Key Performance Indicators at Quarter 1 for the period 1 April 2022 to 30 June 2022. He noted that the Planning department did not routinely rely on the use of Extension of Time for applications which had run over proscribed times for determination which meant that the figures available were more accurate and better reflected the service of the department.

One Member queried how KPI 'CP27 Minor applications determined in 8 weeks or agreed extension of time' would be improved by the issuing of a new Customer Advice Note which set out to applicants and members of the public Arun's approach to negotiation and other relevant matters which influenced the speed of determination. The Interim Head of Development Management explained that one way in which performance could be improved was by improving the quality of applications in the first instance and the Advice Note would support this.

The Committee then noted the report.

(The meeting concluded at 3.58 pm)