

PLANNING COMMITTEE

8 February 2023 at 2.00 pm

Present: Councillors Edwards (Vice-Chair in the Chair), Lury (Acting Vice-Chair), Blanchard-Cooper, Bower, Chace, Mrs Cooper (Substitute for Chapman), Hamilton, Haywood, Kelly and Thurston

Councillor Walsh was also in attendance for all or part of the meeting.

Apologies: Councillor Chapman

659. ELECTION OF THE VICE-CHAIR

The Vice-Chair, Councillor Edwards, as Acting Chair opened the meeting and explained that the Chair had given his apologies for the meeting. He then proposed Councillor Lury as Acting Vice-Chair for this meeting. This was seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

That Councillor Lury be Vice-Chair of this meeting.

660. DECLARATIONS OF INTEREST

No declarations of interest were made.

661. MINUTES

The Minutes of the previous meeting held on 11 January 2023 were approved by the Committee and signed by the Chair.

662. 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.

663. CM/46/22/PL BAIRDS FARM SHOP, CROOKTHORN LANE, CLIMPING

This application was deferred by Committee on 11 January 2023 [Minute 558] on the grounds that Members did not have enough information to make a decision. The Planning Area Team Leader presented the report with updates which provided further information to Members on responses given by the applicant to enquiries from Planning Officers about reducing the number of Electrical Vehicle (EV) charging points from 8 to 4 and restricting the hours of operation to coincide with those of the cafe on the site

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which were 06.00 - 18.00 Monday - Friday, 07.00 - 18.00 Saturday and 08.00 - 14.00 on Sunday. The applicant had raised business viability issues with both points though could stagger the installation of the provision into two phases of four and four if the Committee chose to impose such a condition. It was explained that Officers could not impose conditions that did not serve a planning purpose or prevented the use of other businesses on the site, but that Members could impose conditions relating to the phasing of development and restricting operating hours if they were minded to do so. The Officer recommendation to approve conditionally had not changed.

Members then took part in a debate on the application where a number of points were raised. In general, Members felt their previously raised concerns over the hours of operation and light pollution had not been significantly enough addressed. Members repeated their concerns for the impact that the open-ended hours of operation and the resulting need for lighting during hours of darkness would have in a rural setting within the Climping Gap. The inability to enforce the sort of conditions that Members would have liked to see, such as a restriction on operating hours or greater control over the levels of light on the site, left some Members thinking the only option available was to refuse. The lack of disabled parking bays was also raised as a concern.

Councillor Thurston proposed that a condition be added staggering the installation of the development into two stages of four EVCPs initially and up to a further four as required at a later date. This was not seconded and therefore not moved. The Officer recommendation to approve conditionally was then proposed by Councillor Edwards and seconded by Councillor Lury. After the vote, this was declared NOT CARRIED. Following advice from the Legal Services Manager and Planning Area Team Leader, a recommendation to refuse the application by virtue of the unlimited hours of operation the proposal in this rural location having a significant adverse impact on the residential amenities of neighbouring occupiers by reason of excessive illumination in conflict with policies D DM1 and QE DM2 of the Arun Local Plan proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

That the application be REFUSED by virtue of the unlimited hours of operation the proposal in this rural location would have a significant adverse impact on the residential amenities of neighbouring occupiers by reason of excessive illumination in conflict with policies D DM1 and QE DM2 of the Arun Local Plan.

664. A/46/22/RES PHASE 1 - LAND OFF ARUNDEL ROAD ANGMERING

1 Public Speaker

Tim Burden - Agent

Approval of reserved matters following outline consent A/122/19/OUT and varied by A/207/21/PL for the construction of 7 No dwellings with associated public open space, landscaping, parking, ecological mitigation, infrastructure and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is not CIL liable.

The Principal Planning Officer presented the report with updates. This was followed by 1 Public Speaker. One Member raised concerns over the permeability of the boundary fences and walls for small mammals (dormice, hedgehogs etc.). The Principal Planning Officer confirmed that condition 5 in the Conditions Update provided for gaps at the bottom of boundary treatments to ensure small mammals would be able to move around the development. The recommendation was then proposed by Councillor Bower and seconded by Councillor Lury.

The Committee

RESOLVED

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

665. BE/143/22/PL 1 FINCH GARDENS BERSTED PO22 9EQ

Variation of conditions 2, 3 and 4 imposed under BE/74/18/PL relating to plans condition, materials and omission of parking spaces at rear of property. These changes relate to the dwelling now addressed as 1A Finch Gardens.

The Principal Planning Officer presented the report. Members who spoke discussed the planning history of this site with the dwelling having been allowed on appeal and whether this decision was right in light of West Sussex County Council Highways' consultation response about some of the proposed parking would now have to be accommodated on-street. Going against the Council's own parking standards and increasing the parking demands on an already busy road were thought by some as setting a dangerous precedent, though others argued that it was up to the residents of the dwelling to determine how many vehicles they might have and what they considered enough parking. The recommendation was then proposed by Councillor Thurston and seconded by Councillor Edwards.

The Committee

RESOLVED

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

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666. P/141/22/RES LAND NORTH OF HOOK LANE, PAGHAM

3 Public Speakers

Cllr Peter Atkins – Pagham Parish Council

Rachael Lamb – Agent

Cllr David Huntley – Arun District Council Ward Member

Reserved matters application following P/30/19/OUT (providing details of layout, scale, appearance and landscaping) in relation to the provision of an 80-bed care home.

The Principal Planning Officer presented the report with updates. This was followed by 3 Public Speakers. Members then took part in a debate on the application where a number of points were raised and responded to by Officers. Clarification was sought over the detailed measurements of each storey and the height of the building overall. These were provided to the best of what the Principal Planning Officer had available, but the Group Head of Planning explained that the Committee was being asked in the narrow scope of this reserved matters application to consider the scale of the building overall and whether it was appropriate in its context rather than individual storey heights.

Other Members spoke against the application and its height, questioning whether the building was too big for its rural setting and would be better suited to a town centre location, and the difficulty of fitting 80 beds into the site footprint. One Member did speak in support of the design but accepted that it did not reflect the locality. A recommendation to defer for further discussion on an even re-distribution of the 80 beds on the plot resulting in a building comparable in height to the existing buildings in this part of Pagham was proposed by Councillor Bower and seconded by Councillor Hamilton.

The Committee

RESOLVED

That the application be DEFERRED for further discussion on an even re-distribution of the 80 beds on the plot resulting in a building comparable in height to the existing buildings in this part of Pagham.

667. APPEALS LIST

The Committee noted the Appeals list.

668. KEY PERFORMANCE INDICATORS 2022-2026 – QUARTER 3

The Group Head of Planning presented the report which set out the performance of the Key Performance Indicators at Quarter 2 for the period 1 April 2022 to 31 December 2022. The Committee noted the report.

669. FITZALAN LINK ROAD ACOUSTIC BARRIER

Upon the invitation of the Chair, the Group Head of Planning presented the report which sought the Committee to determine whether it wished to continue to pursue the resolution of the Committee in May 2022 [Minute 44 - a preference to secure the reduction in height of the acoustic barrier] as a result of increased certainty around the scale of likely costs. Further discussions with West Sussex County Council suggested that the overall costs and potential compensation costs could be significant and would be likely to far exceed £2 million.

Following a speech by Councillor Walsh given permission to speak by the Committee as a non-Committee Member in which he asked the Committee to defer making a decision to allow for Officers to undertake proper cost-estimate for the works, Members took part in a debate on the item where a number of points were raised and responded to by Officers, including:

- the quality of the advice received from previous consultants and recourse to legal action against them should this be appropriate, and the need for new more specialised legal advice
- instances of anti-social behaviour having followed the barrier's erection, this being a reason some residents support keeping it in place, and the need for the police to enforce more in area and the school to become more involved
- concerns over projected costings but the need for adequate tender figures to get a better handle of the potential costs involved before making a final decision
- a general desire amongst Members that if the work could be done for a reasonable sum then it should be for the benefit of local residents
- the negative attention the barrier and by extension the Council had received in the press
- support for some sort of deferral in order to get factual information ahead of making a firm decision
- the need for further consultation with residents to get a more long-term reaction to it
- the need to make the right decision, not a kneejerk decision
- the impact of the fence on Littlehampton and its residents as a whole
- options explored that could protect the Council from exposure to costs
- the potential costs involved and Arun currently having no responsibility for the barrier
- the length of time taken to reach this point and whether deferral to an indefinite future point was the best solution
- whether the County Council as owner of the barrier should submit a planning application to Arun as the Local Planning Authority to lower it in order for Arun to avoid liability, though this may open the County Council up to increased liability
- the barrier not acting sufficiently well as a noise barrier and whether arguments could be made, rather than along aesthetic lines, that it is not fit for purpose

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The Group Head of Planning explained that, on the legal advice received, by carrying out any works on the structure, the Council would become liable for any Part 1 compensation claims (brought about due to a change in people's residential amenity) that were currently dealt with through legal indemnity agreements between Persimmon and West Sussex County Council, and that the package of costs that Arun would need to budget for would need to include this compensation liability as well as the cost of any work done to the structure itself.

The Legal Services Manager explained that the Council as the Local Planning Authority was the regulator that received a planning application, and the legal advice was clear that the decision the Planning Committee made when approving the original application was correct in every aspect based on the information it had at the time and the decision was therefore not challengeable on any grounds as being unreasonable. He further explained that if the County Council or residents wanted Arun to make a statutory order to change the barrier in any way, an application would need to be submitted and as part of that then the County Council and/or residents would need to waive their right to compensation or agree to become liable for the compensation themselves as someone would need to fund it but as it was not Arun's wall it should not be Arun.

At the end of the discussion, a recommendation that the matter be pursued further to get more factual information on the works required and a better handle on the potential costs involved in order to make a firm decision, including options that could protect the Council from exposure to costs and following additional consultation with local residents was proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the matter be pursued further to get more factual information on the works required and a better handle on the potential costs involved in order to make a firm decision, including options that could protect the Council from exposure to costs and following additional consultation with local residents.

(The meeting concluded at 4.16 pm)