

PLANNING COMMITTEE

14 February 2024 at 2.00 pm

Present: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Bower, Kelly, Lury, McDougall, Partridge, Patel, Tandy and Woodman

Councillors Gunner and Stainton were also in attendance for all or part of the meeting.

Apologies: Councillors Northeast

626. DECLARATIONS OF INTEREST

There were no declarations of interest made.

627. MINUTES

The Minutes of the Planning Committee held on 17 January 2024 were approved and signed by the Chair, subject to an amendment to paragraphs' one and two of minute 521: 'Davitts Drive' should read 'Davits Drive'.

628. 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 was an urgent report to be presented to the Committee regarding the Key Performance Indicators 2022-2026 – Quarter 3 Performance Report for the Period 1 April 2023 to 31 December 2023.

The reason for urgency being that the Committee has to consider the report ahead of the Policy and Finance Committee on 8 March 2024.

The Chair confirmed that this report would be heard after agenda item 16.

629. WA/111/23/PL - BROOKFIELD FARM, EASTERGATE LANE, WALBERTON

1 Public Speaker

David Campion, Supporter

- 2 No. detached 4 bedroom dwellings (resubmission following WA/101/22/PL). This application is a Departure from the Development Plan and in CIL Zone 3 and is CIL Liable as new dwellings.

The Senior Planning Officer presented the report.

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After the speaker had been heard the Senior Planning Officer was invited by the Chair to address any comments made by the speaker. It was confirmed that information had been received confirming the land was not the best and most versatile agricultural land and therefore that consideration was no longer applicable to this application.

The recommendation was then proposed by Councillor Woodman and seconded by Councillor McDougall.

The Committee:

RESOLVED

That the application be APPROVED CONDITIONALLY.

630. WA/67/23/PL - LAND AT WEST WALBERTON LANE, WALBERTON, ARUNDEL

The Chair informed the Committee that this item had been withdrawn ahead of the meeting.

631. BN/134/23/RES - NUTHATCH WANDLEYS LANE, FONTWELL, PO20 3SE

1 Public Speaker

Matthew Utting, Agent

Approval of reserved matters following outline consent BN/144/22/OUT (as varied by BN/65/23/PL) for the erection of 4 No. residential units with associated car parking and landscaping with new access to be provided via Wandleys Lane. This application is in CIL Zone 3 and is CIL Liable as new dwellings.

The Principal Planning Officer presented the report with updates.

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

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY

632. FP/274/21/OUT - BOGNOR REGIS GOLF CLUB, DOWNVIEW ROAD, FELPHAM, PO22 8JD

8 Public Speakers

Cllr Glen Hewlett, Felpham Parish Council to speak.

Simon Wild, Objector to speak.

Christine Woods, Objector to speak.

James MacLean, Applicant to speak

Cllr Elaine Stainton, Ward Member to speak.

Cllr Jaine Wild, West Sussex CC Member

The Chair then invited Councillors Oppler and Gunner non-committee members were invited to address the Committee.

Outline planning application with all matters reserved, except means of access, for the erection of up to 480 new homes (C3), the formation of a new means of access onto Golf Links Road, together with the creation of new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure and the retention and re-purposing of the retained club house (F2). This site also lies within the parish of Yapton, affects a Public Right of Way and is a Departure from the Development Plan. This application is subject to an Environmental Statement.

The Strategic Development Team Leader presented the report. An update was provided that one further letter of objection had been received but had raised no additional issues for consideration. A written update had now been received from the Environment Agency raising an objection to the proposal due to the extent of the flooding witnessed during November 2023, as it appeared to be significantly larger than the model used to support the applicant's flood risk assessment. The Environment Agency had advised they now had reduced confidence that the modelling work carried out was representative of the catchment area and required further review.

The Local Planning Authority had reviewed some of the officer's recommendations in the report concerning the sustainability of the site's location. As a result of that review it was found that some of the local shops and services within the vicinity had been omitted. Therefore refusal reason 4, relating to the unsustainable location of the development, had been deleted from the recommendation.

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

- Concern was expressed that the site had been unusable for a period of two and a half months due to it flooding.
- The highest density of 90 dwellings per hectare was considered more suited to an urban area.
- Concern was raised as to the amount of land raising required in order to accommodate the site and the possibility that additional water will disperse to and flood neighbouring properties.

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- The site had failed to meet the sequential test relating to flood risk. It was important to protect the erosion of the strategic gap between the settlements of Felpham and Yapton.
- The loss of trees was considered unacceptable.
- Concerns of the likelihood of the flooding of the play area and the safety of children.
- The objection received from the Environment Agency following the recent flooding event.
- The adverse impact the development would have on the residential built-up area of Felpham.

A request was made that the voting on this proposal be recorded.

The recommendation, as amended by the update, was proposed by Councillor Partridge and seconded by Councillor Bower.

The Committee

RESOLVED

That the application be REFUSED

Those voting that the application be refused were Councillors Blanchard-Cooper, Bower, Hamilton, Kelly, Lury, McDougall, Partridge, Patel, Tandy, Wallsgrove and Woodman (11).

633. M/16/22/PL - LAND SOUTH OF GREVATTS LANE / A259, CLIMPING

3 Public Speakers

Cllr Glen Hewlett, Felpham Parish Council
Cllr Colin Humphris, Clymping Parish Council
James MacLean, Applicant

Laying out of an 18 hole 72 par golf course, a 9 hole golf course, practice greens and a driving range including a buggy compound; the formation of a new access onto the A259; construction of a club house with associated golf club facilities; the construction of a maintenance building and external area of hardstanding; the laying of parking, new roads and paths; new landscape planting; surface water drainage basins and water storage resevoirs; and other earth works and infrastructure. This application also lies within the parishes of Climping and Yapton, is a Departure from the Development Plan and affects a Public Right of Way. This application is subject to an Environmental Statement.

The Strategic Development Team Leader presented the report.

During the debate members raised concerns about road safety regarding the A259. Concern was raised about the likelihood of the site flooding and the Environment Agency's position to hold 'the line' rather than take active measures to prevent the area

from flooding in the future. The site had failed to meet the sequential test relating to flood risk. The site was located within a Gap between settlements with concern raised that the development would result in the loss of valuable agricultural land.

The recommendation was proposed by Councillor Woodman and seconded by Councillor Partridge.

The Committee

RESOLVED

That the application be REFUSED.

634. M/112/23/S73 - 8 MANOR WAY, ELMER, MIDDLETON-ON-SEA, PO22 6LA

No Public Speakers

Variation of condition 2 imposed under M/86/20/PL relating to approved plans.

The Senior Planning Officer presented the report with updates.

A member sought clarification regarding the variety of different residential property types within the vicinity of the application site. The Senior Planning Officer confirmed that there was a wide variation along the street and therefore it would be difficult to determine that the application was out of character in this residential setting.

The recommendation was proposed by Councillor Wallsgrove and seconded by Councillor Lury.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

635. WA/35/23/OUT - LAND EAST OF WANDLEYS LANE, FONTWELL

4 Public Speakers

Andrew Vawer, Walberton Parish Council.

Amanda Sutton, Objector.

Huw James, Agent.

Damon Turner, Applicant

Outline Planning Application for up to 95 no. residential dwellings (including 30% affordable), with all matters reserved apart from access. This application is a Departure from the Development Plan.

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The Development Management Team Leader introduced the report with updates. A correction to the report was made - paragraph 111 within the report should read paragraph 115 of the NPPF.

A verbal update was provided amending refusal reason 1 to add the following text: '...The site is in an unsuitable location for new residential development having regard to the spatial characteristics of Walberton and would result in unacceptable harm to the character and appearance of the area contrary to policy DDM1 of the Arun Local Plan and the NPPF. This decision has been made with reference to the weight to be afforded to neighbourhood plans by virtue of paragraph 14 of the NPPF'.

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

- It was considered that the Walberton neighbourhood plan had fulfilled its required housing allocation. The Group Head of Planning responded that paragraph 14 of the NPPF was one of the tests to determine the weight to be given to the application when carrying out the balancing exercise.
- Concern regarding the development's proximity to the nearby ancient woodland and the loss of category B trees on the site.
- Concern was raised that the development would lead to a conflict of vehicles along Wandleys Lane, and the provision of pedestrian footpaths was also queried. The Development Management Team Leader, confirmed proposals had been put forward to alter the highway to create pedestrian footpaths, for which neither the West Sussex County Council Highway's Authority and Lead Flood Authority or the District Council's Drainage Engineer had raised any objection.
- Paragraph 186c of the NPPF advised that development resulting in the loss of unreplaceable woodland should be refused unless a suitable compensation strategy existed. The Group Head of Planning advised that there was not enough information at this outline stage to justify paragraph 186c as a reason for refusal. Paragraph 175c of the NPPF dealt with development resulting in a loss or deterioration of replaceable habitats. The specific impacts of development on this site would not be known until a scheme was submitted with a detailed layout and landscaping scheme.
- Members wished it to be noted that they considered the indicative layout before them to be unsatisfactory.

The recommendation, as amended by the update, was proposed by Councillor Woodman and seconded by Councillor McDougal.

The Committee

RESOLVED

That the application be REFUSED.

636. Y/68/23/PL - LAND WEST OF DROVE LANE, MAIN ROAD, YAPTON

2 Public Speakers

Lisa Jackson, Agent
Simon Blanford, Supporter

Erection of 20 dwellings (including 6 affordable units) with new access, open space, landscaping, sustainable drainage, biodiversity mitigation and associated works. This application may affect the character and appearance of the Main Road/Church Rd, Yapton Conservation area, is a Departure from the Development Plan and is in CIL Zone 3 and CIL Liable as new dwellings.(Resubmission of Y/149/22/PL).

The Principal Planning Officer presented the report with updates. A verbal update was provided that officers accepted that the agricultural land was grade 2 and not grade 1 as detailed in the report. Therefore condition 1 had been amended as follows: ‘...net loss of high value grade 2 agricultural land...’.

Members raised the following points regarding the Council’s 5-year housing land supply and the number of planning permissions for housing development within the District that remained unimplemented by developers. A large amount of the District’s housing need had already been accommodated in Yapton.

The recommendation, as amended by the update, was proposed by Councillor McDougall and seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

That the application be REFUSED

637. APPEALS

Members noted the appeals list presented.

638. APPEALS PERFORMANCE & COST 2023

Upon the invitation of the Chair, the Group Head of Planning presented the report which outlined the Council’s performance at appeal during 2023 and the costs associated with those appeals.

It was highlighted that, compared against previous years, there was a continuing increase in workload concerning the number of appeals with 48 having been determined. However, it was pleasing to see that despite the number of appeals performance was good, with 65% of all appeals having been dismissed, being only slightly below the target of 70%. He referred to the Planning Committee’s performance at paragraphs 4.13 and 4.14, advising that 3 appeal decisions were made on decisions

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contrary to recommendation of officers. It remained difficult to defend appeals on major schemes at appeal particularly in light of Arun District Council's current 5-year housing land supply

The Committee noted the report.

639. PLANNING APPLICATION REPORT - R/230/23/HH

The Group Head of Planning presented the report. It was explained that since the application had been determined by an officer under delegated authority it has come to light that the application was a 'member' application that should have been determined by the Planning Committee.

The recommendation was proposed by Councillor McDougall and seconded by Councillor Partridge.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

640. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 3 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2023 TO 31 DECEMBER 2023

The Committee noted the report.

(The meeting concluded at 4.58 pm)