

PLANNING COMMITTEE

11 September 2024 at 2.00 pm

Present: Councillors McDougall (Chair), Wallsgrove (Vice-Chair), Blanchard-Cooper, Hamilton, Kelly, Lury, Northeast, Partridge, Patel, Mrs Stainton (Substitute for Bower) and Worne (Substitute for Woodman)

Apologies: Councillors Bower and Woodman.

193. DECLARATIONS OF INTEREST

The Declaration of Interest Sheet set out below confirms those Members who had made a declaration of their personal interest as a Member of a Town or Parish Councillor or a West Sussex County Councillor, as confirmed in their Register of Interest as these declarations could apply to any of the issues to be discussed at the meeting:

| <b>Name</b>                       | <b>Town or Parish Council or West Sussex County Council [WSSC]</b> |
|-----------------------------------|--|
| Councillor Billy Blanchard-Cooper | Littlehampton  |
| Councillor June Hamilton          | Pagham   |
| Councillor Martin Lury            | Bersted  |
| Councillor Mike Northeast         | Littlehampton  |
| Councillor Peggy Partridge        | Rustington   |
| Councillor George O'Neill         | Littlehampton  |
| Councillor Sue Wallsgrove         | Barnham and Eastergate   |
| Councillor Bob Woodman            | Littlehampton  |
| Councillor Amanda Worne           | Ford & Yapton  |

194. MINUTES

The minutes of the previous meeting held on 7 August 2024 were approved by the Committee and signed by the Chair.

195. 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

There were no urgent items presented at the meeting.

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196. PREVIOUSLY DEFERRED ITEM P/27/24/PL LAGNERSH HOUSE, HOLIDAY SITE, LOWER BOGNOR ROAD, LAGNESS

Change of use from agricultural to recreational for the purpose of providing a campsite for 60 consecutive days per calendar year. This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development.

The Team Leader (Development Management) presented an updated presentation and the update report reminding members that at the last meeting of the committee they had voted to defer the application with a request that legal advice be sought on whether there is a realistic prospect of refusing this as a planning application given the permitted development rights. Contained within the update report is the council's Planning Lawyers advice that it could be considered unreasonable to refuse an application where there was 'fall back' permission through permitted development rights. Due to further concerns raised in the previous debate, an additional condition had been added (number 10) to require that the applicant notify the Local Planning Authority each year of the start of the 60-day consecutive period. In addition, condition 13 had been added to remove permitted development rights for any further 60-day use by tents or motorhomes.

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

During debate members discussed the following points, concern that there had been no comments from Highways England, given that the road floods regularly, the high traffic flow at peak times, the variable size of motorhomes verses the width of the site entrance and its location on a bend. Questions were then asked relating to the legal advice provided and it was confirmed by the Councils Legal Services Manager that appeal inspectors would take a pragmatic approach when considering the site, costs could be incurred should if the decision was to be appealed and the appeal was lost. She confirmed that should the application be approved; the conditions would allow for the management of any issues should they arise. It was then commented that there was still concern regarding the 60-day consecutive period given that it was known the applicant had already breached this Condition. The Planning Team Leader advised members that there had been no breach by the applicant as there had been no approved application yet. It was confirmed that the applicant had been served with an enforcement notice and that was in place currently. A member then asked for an explanation regarding the permitted development rights, specifically that it stated that touring caravans were not allowed within these rights, however the applicant has requested for touring caravans to be allowed, so why do permitted development rights not allow touring caravans. The Legal Services Manager confirmed that there was no real commentary or reason why, which further highlighted the reason why appeal inspectors take a pragmatic approach. Members wanted assurance that the 60-day consecutive period would be adhered to and managed by the Council, the Planning Team Leader confirmed that Condition 10 had been added for this reason and would allow for monitoring of the full 60-day usage, the condition would not prevent a breach, but it would allow for the management of the site, should there be breach. It was then asked if the council would have the ability to shut the site on day 61 if there was a need,

it was explained that a breach of condition notice could be issued, or the injunction process could be started at that point. It was then asked why the photos and video referred to in the update report had not been provided to members at the meeting. The Group Head of Planning confirmed to members that when applications were presented, officers only use their own material. It was confirmed that the photos and video had been made available on the council's website if member wished to view them. He also stated that conditions in all application were enforceable and if they were not complied with then action would be taken by the council. Another member asked officers if the 60-day consecutive period could be set by the council, it was confirmed that the applicant had specifically not applied for that, probably for flexibility reasons.

Members continued their debate on the above concerns where it was eventually agreed that there was no reasonable reason, despite their concerns that could be used to refuse the application that wouldn't result in their decision potentially being overturned on an appeal.

The Committee

RESOLVED

That the application be **APPROVED CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

197. WA/29/24/PL TOKAR INDUSTRIAL ESTATE, YAPTON LANE, WALBERTON BN18 0AS

Erection of a two-storey church building with capacity for 340 persons along with creation of associated car park. This application is in CIL zone 3 (zero rated) as other development. This application is a Departure from the Development Plan.

The Team Leader (Development Management) presented the report and advised that a new condition regarding parking was to be added which would read as the building shall not be occupied until the parking spaces/turning facilities on the submitted plans have been provided and constructed. The areas of land shall there after shall not be used for any purposes other than for parking and turning of vehicles. He also advised that condition 6 (Foul Water Drainage Condition) be updated, to include the word building as a replacement for the current word 'dwelling' as there are no dwellings proposed.

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

The Chair invited members to debate the application where the following points were raised, clarity on the number of trees being removed was sought, concerns raised on the number of parking spaces, it was queried how the number of parking spaces had

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been agreed on, the Planning Team Leader confirmed that West Sussex County Council Parking Guidance had been used in this instance, the council were encouraging the Travel Plan through WSCC and there are coach/bus spaces included as it was recognised that there would be group travel to the site. It was queried why other nearby locations had not been considered for potential excess parking, the reason was explained as these areas were outside the application boundary. Finally, a request was made that a condition be added to include any new trees planted were to be watered, it was confirmed that condition 12.

The Committee

RESOLVED

That the application be **APPROVED CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT** and additional conditions outlined at the start of the application.

At 14:47 an adjournment for a comfort break was taken.

198. BR/111/24/PL 8 ARGYLE ROAD, BOGNOR REGIS PO21 1DY

Change of use of 1 No. two storey terraced three bed house and workshop to 5 bed HMO (house in multiple occupation). This application is in CIL Zone 4 and is CIL Liable as new dwelling.

The Principal Planning officer presented the report with an update.

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

The Chair invited members to debate the application where the following points were raised, it was commented that whilst the calculation stated to show that the number of HMOs in the area remained under 10%, there were 193 in Marine Ward and it was the cumulative effect this would have that is of concern, comments regarding the 'workshop' at the back of the site were expressed with concern being highlighted for its purpose and size.

The officer recommendation was put to the vote, where it FELL. Members then took part in further debate to discuss options for deferral or refusal. Comments made were concerns relating to the communal space in the 'workshop', concern for the size of the garden space and other communal space, parking concerns, a suggestion of a site visit was made to see if the 'workshop' was fit and proper with the correct accessibility requirements in place. The Group Head of Planning confirmed that these specifications would fall under licensing responsibilities. The Chair stated that the road was under parking permit regulations by WSCC and there had been no objections from them, the

Principal Planning Officer confirmed West Sussex Highways had no objections and had confirmed that the application would not result in any loss of parking.

Upon further advice being provided by the Group Head of Planning and other officers, the Chair suggested that members take an adjournment to allow them to obtain further advice. This was then formally proposed by Councillor Blanchard-Cooper and seconded by Councillor Lury.

Adjournment taken at 15:16, the meeting then readjoined at 15:27.

The Chair welcomed everyone back to the meeting and advised that there were three areas for refusal that had been agreed upon by members during the adjournment and these were over concentration, inadequate amenity space and the absence of a section 106 agreement, he then invited the Planning Team Leader to read out the refusal wording.

The Planning Team Leader confirmed that the refusal wording reads as follows, (1) the HMO would result in a proliferation and over concentration of such uses in an area with an article 4 direction which removed Permitted development rights, from C3 to C4 changes the additional HMO would result in harm to the character of the area due to the number of such uses, contrary to policy HSP4 (a) of the Arun Local Plan.

(2) the proposed HMO by reason of its gardens size would not provide a sufficient standard of amenity for the residents in conflict with policy HSP4 of the Arun Local Plan and the Arun Design Guide (A, B or C to be confirmed after the meeting).

(3) In the absence of a signed s106 agreement the development does not make the required contribution towards the mitigation of Pagham Harbour (relevant policy to be inserted after the meeting).

The above reasons for refusal were then proposed by Councillor Wallsgrove and seconded by Councillor Partridge, the Chair then handed over to the Committee Manager for a recorded vote to be undertaken. Those voting FOR the recommendations were Councillors Hamilton, Kelly, Partridge, Patel, Stainton, Wallsgrove and Worne (7), there were 0 votes AGAINST, those voting to ABSTAIN were Councillors Blanchard-Cooper, Lury, McDougall and Northeast (4).

The Committee

RESOLVED

That the application be **REFUSED** as

(1) the HMO would result in a proliferation and over concentration of such uses in an area with an article 4 direction which removed Permitted development rights, from C3 to C4 changes the additional HMO would result in harm to the character of the area due to the number of such uses, contrary to policy HSP4 (a) of the Arun Local Plan.

(2) the proposed HMO by reason of its gardens size would not provide a sufficient standard of amenity for the residents in conflict with policy HSP4 (c) of the Arun Local Plan and section H.04 of the Arun Design Guide.

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(3) In the absence of a signed s106 agreement the development does not make the required contribution towards the mitigation of Pagham Harbour contrary to policy with ENV DM2 of the Arun Local Plan.

199. BN/38/24/PL LAND TO THE REAR OF THE CROFT SURGERY, BARNHAM ROAD, EASTERGATE PO20 3RP

Construction of 21 No. dwellings, access, landscaping and associated works. This application is in CIL Zone 2 and is CIL Liable as new dwellings.

The Principal Planning officer presented the report with an update.

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

The Chair invited members to debate the application where the following points were raised the Vice-Chair highlighted that the Barnham & Eastergate Neighbourhood Plan had only been made 2 years ago and at the time it was requested for potential applicants to come forward so sites could be known about, however this site did not. She stated that whilst it was nice to see Bungalows in an application, the area was home to Bats and therefore she didn't want to see any of the hedgerows removed because of this and as it was a conflict with the neighbourhood plan, she could not support the application. Concerns regarding the high level of housing already seen in the area, the flooding and sewage issues that had been seen over recent years were also raised. It was confirmed by the Vice-Chair that for 7 months Barnham 'was an open sewer', there were tankers in the area for the entire duration only leaving in June 2024. She confirmed that Southern Water had put in a new pumping station in order to help the current infrastructure cope with the increase use, she did not see how connecting another 21 Bungalows along with the 4.5 thousand planned in the strategic allocation application that had been put forward for Land South of Barnham Road could be accommodated. Other concerns highlighted were issues surrounding GP surgeries and patient numbers. The Group Head of Planning stated that the Neighbourhood Plan confirmed the application was within the built-up area boundary which meant it was in accordance with policies HP1 and 2. He also explained that there was a legal right for developers to connect to the Southern Water network, Southern Water were the Statutory caretaker and have responsibility to provide the infrastructure. If they don't do that then questions can be asked of them, however it was not for members or the council to dictate this through the Planning Process.

Debate continued with members discussing and obtaining advice on the need for Southern Water to make statutory consultees on application and could a Grampian Condition be considered for this application. The Group Head of Planning confirmed that in order for a Grampian Condition to be considered the council would need to know exactly what needed to happen before the development to be able to have a specific set of measures. A suggestion to defer the application to allow for officers to have a conversation with Southern Water was sought, however, the Principal Planning Officer

advised that Southern Water had provided a letter that confirmed there was capacity on the network in relation to this application. The Group Head confirmed that should this be what members wish to do, Officer could, however it would be likely that the outcome would be the same as it currently stands.

The Chair stated that whilst he had heard the concerns raised during the debate, there were significant gains to be made with the application when it came to the green agenda, he believed the issues regarding Bats could be overcome and the application was a significant improvement on the previous application that contained 60 dwellings. The officer recommendation was then put to the vote.

The Committee

RESOLVED

That the application be **APPROVED CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

200. APPEALS LIST

Members noted the appeals list.

201. Q1 PERFORMANCE REPORT FOR THE KEY PERFORMANCE INDICATORS (KPI'S) WHICH FORM PART OF THE COUNCIL'S VISION 2022-2026.

The Group Head of Housing presented the report, where he explained that the appendix to the report covered the performance for Q1, he also pointed out that there were some additional comments covering the rolling 2-year period at the end of Q4 this performance was very good and targets met.

The recommendations were proposed by Councillor Blanchard-Cooper and seconded by Councillor Partridge.

The Committee

RESOLVED that it

2.1 Notes the contents of this report and provides any questions or comments on the indicators relevant to this Committee to the Policy and Finance Committee on 24 October 2024.

2.2 **Recommends to the Policy and Finance Committee** it approves the removal of CP29, CP30, CP31, CP32, CP33 and CP34 from the KPI list for Planning Committee (para 4.9).

(The meeting concluded at 4.00 pm)