

PLANNING COMMITTEE

13 November 2024 at 2.00 pm

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

Councillors Huntley were also in attendance for all or part of the meeting.

Apologies: Councillors Kelly

262. 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 [WSSCC]</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

263. MINUTES

The Minutes of the previous meeting held on 16 October 2024 were approved by the Committee and signed by the Chair.

264. 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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265. P/35/24/OUT - LAND SOUTH OF SUMMER LANE, PAGHAM

5 Public Speakers

Mr Atkins, Pagham Parish Council  
Jenny Henderson, Agent  
Mr David Maclean, Objector  
Mr Colin Hamilton, Objector  
Millie Dodd, Supporter

Outline application with some matters reserved for a proposed residential development of up to 110 No. dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved. This application is a Departure from the Development Plan and affects a Public Right of Way.

The Principal Planning Officer presented the report with updates.

After Public Speakers had been heard the Chair invited the officer to respond to any points raised. The Officer confirmed that all points raised had been addressed in the report and report update.

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

During member debate the following was raised, how many applications a year where they fall outside of the built-up area boundary did the council consider, it was confirmed approximately 4-5 a year. Concern relating to the protection of the Black Poplars that were in situ was raised, these absorb thousands of litres of water a year and currently there was no TPO in place for them, whilst those on the southern and northern boundaries were protected with TPO's, the officer confirmed that TPO's had been requested for these. It was stated that a balanced approach should be applied to the consideration of the application, whilst it was a departure from the Local Plan, in a strategic gap and close to Pagham Harbour, the council did have a housing shortfall, and this application would assist with that. Comments regarding flood risk mitigation, and the public perception of the Local Plan that sets out an allocated number of dwellings to be built versus the continued and increased amount of development seen to be coming forward. It was also commented that having Green Space was also important for communities.

The Group Head of Planning reminded members of an appeal that was held 12 months ago for 100 homes, nearby to this site and this was an important material consideration that had shaped the recommendation.

Members continued their debate, considering points on building on Grades 1 and 2 land and its impact for the area, it was queried if the appeal referred to by officers had been approved, it was confirmed it had. Further concerns made relating to the strategic gap, built-up area boundary and traffic. As the debate moved on there were comments

made in support of the application which considered affordable housing allocation with sites of this size, it was also noted that at this point in the debate no refusal reason had been heard. A statement was made relating to flood risk urging members to consider using an online flood risk website. On request it was confirmed by the Group Head of Planning the council uses Environment Agency based data, which was the most up to date data for the area and includes climate change factors. Final points raised considered a reason for refusal based on the comments made by Southern Water (page 10 of the report) where it detailed the infrastructure, and enforcement works that would be required to be undertaken including a 24-month timeframe for completion.

The Chair then summarised the debate, highlighting key points raised and reminding members if they were considering voting against the recommendation, what would the reasoning for this be and would the council be able to defend that decision at an appeal. He then invited the Group Head of Planning to address the committee where he stated that he understood many of the comments that had been made during debate, however he believed the report before them was fair in acknowledging those concerns. He advised members that the NPPF was key for them in their decision making, reminding them that the council had previously tried to defend appeals and had been unsuccessful.

Final comments made included the need for improved infrastructure to be in place before more development was seen and clarity was sought from officers on the location of the appeal site that had been referred to during debate. As there were no other comments to be made the Chair put the recommendation to the vote.

The Committee

RESOLVED

**That the application be approved conditionally subject to a Section 106 agreement.**

266. P/15/24/OUT - LAND SOUTH OF SUMMER LANE, PAGHAM

5 Public Speakers

Mr Atkins, Pagham Parish Council  
Mr David Maclean, Objector  
Mr Ian Brooks, Objector  
Jenny Henderson, Agent  
Millie Dodd, Supporter

Outline application with some matters reserved for a proposed residential development of up to 120 No dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved.

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This application is a Departure from the Development Plan and affects a Public Right of Way.

The Principal Planning Officer presented the report with updates.

The Chair then asked the officer if he had any points he wanted to address after the public speakers the officers advised all issues raised had been covered by the report.

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

During member debate it was clarified and confirmed that this application was for an additional 10 houses only, the increase in the density was of concern due to the number of objections that had been received which contained this concern. It was asked how many of the dwellings in total would be classed as 'affordable housing', the officer confirmed that there would be 36 affordable housing dwellings. Discussion was had on the location of the additional 10 dwellings where it was confirmed that a condition would be included to stipulate that the locations would need to be in accordance with the parameter plan. Members returned back to their concern relating to the density increase an additional 10 dwellings would have on the site, it was stated that as with previous applications where this had been seen as a concern.

The Chair then put the recommendation to the vote, where it FELL. He then advised members that those who voted against the recommendation should now provide a reason for refusal. Councillor Lury proposed that the application should be refused due the extra 10 dwellings increasing the density to an unacceptable level. This was seconded by Councillor Bower.

The Principal Planning Officer confirmed that the density would increase from 19.7 dwellings per hectare to 21 dwellings per hectare. Member debate continued with additional suggestions for refusal reasons being put forward, including flooding and access concerns, although these were not agreed to be included. The Chair suggested an adjournment be taken to allow officers time to write up the refusal reason based on the density concerns raised. The meeting was adjourned at 3:23pm.

The Chair welcomed everyone back to the meeting after a 10-minute adjournment and invited the Principal Planning Officer to read out the refusal wording. The officer stated that the proposed development would result in an unacceptable density to the detriment of the character and appearance of this edge of sufficient site in conflict with the Arun Local Plan DDM1, the Arun Design Guide and the NPPF. He also confirmed that a further 5 reasons would be included due to the absence of a Section 106 Agreement inclusive of financial contributions, disturbance to Pagham Harbour and no provision for the future monitoring of a Travel Plan contrary to the Arun Local Plan.

The Chair then requested for a recorded vote to be completed. Those voting FOR were Councillors Blanchard-Cooper, Bower, Hamilton, Lury, McDougall, Partridge,

Patel, Wallsgrove and Woodman (9), those voting AGAINST were (0), those voting to ABSTAIN was Councillor Northeast (1), therefore,

The Committee

RESOLVED

**That the application be REFUSED as the proposed development would result in unacceptable density to the detriment of the character and appearance of this edge of sufficient site in conflict with the Arun Local Plan DDM1, the Arun Design Guide and the NPPF and in the absence of a signed Section 106 agreement, the application fails to provide for future monitoring of the proposed on-site Biodiversity Net Gain and the proposal is therefore not in accordance with the Arun Local Plan policy ENV DM5 and NPPF.**

267. M/74/24/PL - MIDDLETON SPORTS CLUB, 3 SEA LANE, MIDDLETON-ON-SEA, PO22 7RH

2 Public Speakers

Mr Joe Lake, Middleton-on-Sea Parish Council  
Mr Colin Morris, Supporter

Provision of 6 No. new lights to 2 No. existing tennis courts. This application may affect the setting of a listed building and is in CIL zone 4 (zero rated) as other development.

The Senior Planning Officer presented the report.

The Chair asked the officer if he had any comment to make based on the public speakers where he confirmed that the first public speakers statement that was read out was an email discussion between the Parish and himself, addressing the conditions that they had recommended imposing within their representation.

The recommendations were proposed by Councillor Wallsgrove and seconded by Councillor Lury.

During member debate a question was asked regarding a mitigation shield in relation to the additional lighting, it was confirmed that the mitigations referred to by the speaker did not form part of the application. It was also commented that the Tennis Club appeared to be very aware of its neighbours and were being respectful of them with the application.

The Committee

RESOLVED

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**That the application be approved conditionally.**

268. K/27/24/PL - LAND EAST OF KINGSTON HOUSE, KINGSTON LANE, KINGSTON, BN16 1RP

2 Public Speakers

Councillor Dave Marr, Kingston Parish Council  
James Lloyd, Applicant

Proposed construction of new stables with welfare facility with associated parking. This application is in CIL zone 5 (zero rated) as other development.

The Planning Team Leader (Development Management) presented the report with an update.

After Public Speakers had been heard the Chair checked with the officer if he wanted to come back on any points raised by the speakers, where he advised in relation to the first speaker the building had moved 1 meter to the western boundary, it did project slightly into the gap, however this was considered minimal impact. In relation to the comments made about the muck heap, he confirmed that this was not being approved today and a discharge condition would follow along with the controlling mitigations.

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

The Chair invited members to make comments, statements and ask any questions they had to officers, where the following was raised. It was stated that no new bridleway had been introduced since the previous appeal, the site was south of the railway line and the only way an equestrian could access the bridleway would be for them to cross the railway line. Support was voiced for Kingston Parish Council's objection to the application as there was potential for expansion opportunities that would be a further encroachment on the gap, whilst there was understanding for the applicant it was felt that the changes made since the previous application were not satisfactory. Other members were concerned with the muck heap potentially being located near a water source and therefore contamination concerns were discussed and one member stated that they felt the as application would have a minimal impact on the gap and that it as a reasonable use of the land, they didn't see any issues.

As there were no further comments to be made the Chair then put the recommendation to the vote.

The Committee

RESOLVED

**That the application be approved conditionally.**

269. EP/101/24/NMA - 33 THE RIDINGS, EAST PRESTON, BN16 2TW

No Public Speakers

Non-material amendment following the grant of EP/56/21/HH relating to the size of the rooflight located over the stairwell.

The Planning Team Leader (Development Management) presented the report. He advised members that this was a non-material amendment application and that these don't usually come before committee, however as it was a staff application to ensure full transparency, it was before members for a decision.

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

As there were no questions were asked, the Chair put the recommendation straight to the vote.

The Committee

RESOLVED

**That the application be approved.**

270. P/59/24/DOC - LAND SOUTH OF SUMMER LANE AND WEST OF PAGHAM ROAD

6 Public Speakers

Mr Peter Atkins, Pagham Parish Council  
Mr Colin Hamilton, Objector  
Mr Jim Weston, Objector  
Jenny Henderson, Agent  
Izabel Philips, Supporter  
Councillor David Huntley, Ward Member

Approval of details reserved by condition imposed under P/140/16/OUT relating to condition 30- management and maintenance for adjacent Pagham Harbour SPA Enhancement land.

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The Principal Planning Officer presented the report with updates where it was confirmed that the applicant had advised council officers they had offered to meet with the Parish Council to discuss the contents on the updated BGMP, however due to availability prior to the committee, this had not been possible. The applicant confirmed they had extended an invitation to the Sussex Ornithological Society (SOS) in August 2024 to discuss the mitigation plan, however this had been declined. A letter from the SOS to the applicants stated that they regarded the principal stakeholders in this matter to be Arun District Council, the Applicant and Natural England. Furthermore, the SOS clarified that their role was to provide data and records to support the consideration of the scheme. They added that as they did not manage land, they were also not able to offer any practical assistance in relation to the mitigation plan.

The officer then provided members with a detailed updated on consultation responses received from Natural England, Environment Agency (EA) and Arun District Council's Ecology Officer and Drainage Engineers, all of which had not lodged any formal objections to the proposals. The officer advised members that the requirement for a Flood Risk Activity Permit for the scrapes, as identified by the Environment Agency (EA), was a separate requirement to the consideration of this discharge of condition application. Securing discharge of this condition did not negate the need for any relevant permits from the EA. If the landowner was unable to obtain a permit for the scrapes, a new Brent Geese Mitigation Plan would need to be submitted for consideration.

Members were provided with detail on the additional 15 objection responses that had been received, those additional representations received did not introduce any new material considerations, nor did they raise any issues that had not been dealt with as part of the assessment and committee report. Comments, including those concerning the principle of housing and the request for a south coast cycle highway, remained non-material to the decision. Several comments were made in relation to the need for the presence of Brent Geese on the mitigation site to discharge the condition and/or deem that the scheme was successful. However, the requirement of the condition was for the developer to submit details showing the Council how the mitigation land identified would be managed in a way to allow for an overwintering crop suitable for the Brent Geese, that provided an equivalent foraging value for the Brent Geese to that lost by the development, should they require it. The condition required management of the land and favourable conditions, such as the removal of bird scaring and increased sight lines, which had been proposed. The condition did not require visual confirmation of the presence of the geese as a condition for discharging Condition 30, as such a requirement would be unreasonable and beyond the scope of the original condition imposed on P/140/16/OUT. Additionally, several representations had also sought for the application to be deferred to allow for consultation with the public, RSPB, Sussex Ornithological Society (SOS), EA and Natural England. Public representations had been considered throughout the application, which was validated by the Council on 26 June 2024. Natural England and the EA had provided their full consultation response supporting the discharge of the condition. While the SOS and RSPB were not formal consultees on the application, their responses on previous iterations of the plan had



been considered fully. In the officer's summary she provided responses to additional comments received from Pagham Parish Council, the RSPB and SOS.

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

The Chair invited members to make comments, statements and ask any questions they had to officers, where the following was raised: The UK was the most depleted in the world for wildlife; the RSPB objected to the application, yet this had not been addressed by officers; the mitigation plan had been confirmed if approved it would be in place for 80 years, however it was preferable that this be for 125 years; concern raised regarding the certainty the mitigation plan would be successful and if this could not be guaranteed it should not be agreed; SOS had stated that the mitigation plan should be in place before any building commenced, clarification was sought on when this would be completed; it was also asked if the fields could be in the RAMSAR convention; concern was raised regarding the monitoring of the site being the responsibility of the landowner and should this not be independently completed; No evidence had been provided to show that Brent Geese were using these fields and comments received stated that the fields were too close to development; members wanted to see evidence to show that the mitigation plans suggested would be successful, and; members did not want to see the Brent Geese disappear and felt that the objection from the RSPB was as significant concern.

The Principal Planning Officer was invited by the Chair to respond to comments where she confirmed that the RSPB had provided a written objection which had been based on their previous objections responses, all of which had been taken into account as part of the negotiations of the application. The plan would be in place for 80 years, as per the terms for the Section 106 agreement that was agreed at outline. She reminded members that the RSPB were not a statutory consultee and confirmed that the council's drainage team would be sent out to investigate if the ditches on the site were seen to fill up. She then explained that the SOS had included in their response that they would only provide data to the Council and Natural England, all of their comments had been addressed and if members were minded to refuse the application, this would go against the advice received from Natural England.

Further questioning and clarification were sought regarding the crop planting of the mitigation fields and what was the timeframe that would be given to see if after planting the Brent Geese would move before building commenced. Officers confirmed that crops would be planted before any development commenced, there would also be no bird scaring taking place however there was no requirement for the council to see Brent Geese move to that land, the requirement through the application was only to provide the space for the Geese to use and requesting that the Geese to use the land was not enforceable or for the mitigation plan to be deemed successful. Natural England were satisfied that the proposed mitigation plan would provide foraging value and that was seen as suitable for the Brent Geese to use.

Members commented that they were not comfortable with not knowing if the Brent Geese would use the site, as this was preferred to be evidenced. It was then

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proposed by Councillor Bower that the application be deferred, until officers were able to provide more detail of enforceable action for members to consider. No seconder was made known at this point.

The Strategic Development Team Leader was invited by the Chair to address the committee, where he explained that through the outline planning application the impact of the loss of the land on Brent Geese was considered and the principal of off-site mitigation was accepted, tested and agreed with Natural England as the approach. At that time the Parish Council did have significant objections, SOS and the RSBP to the principal of off-site mitigation but the principal of accepting the mitigation had been established through the outline planning application. He then referred to the Outline Appropriate Assessment slide in the officer presentation that showed all of the recorded records that informed the allocation of the site and also included the surveys undertaken by PAGAM, the local group against housing in Pagham. The records show that Brent Geese have historically used the mitigation sites proposed. However, the use of the fields by the Geese cannot be controlled, what could be done was an equivalent level of foraging provision be provided and this is what the Brent Geese Mitigation Plan achieves. It had been designed in accordance with best practice and with extensive input from Natural England. On this basis, officers strongly support the proposals, and it was explained that the position of officers was unlikely to change. It was appreciated that the decision was not a popular one for members. He went on to explain that one of the fields was situated in Flood Zone 3a, Natural England were happy with this as the field does sit within the key habitat area, it would also be planted with more water tolerant species and the bird scaring initiative that would drastically increase the useability of the site. As previously explained, there was currently no obligation on the landowner to plant crops deemed to be suitable for foraging for Brent Geese, and there was no obligation on the landowner to not undertake bird scaring, so the mitigation plan in front of members was as significant improvement in terms of foraging availability for the Brent Geese in comparison to what is available now. Officers had presented the best possible option for members to consider.

Councillor Partridge then made it known to the committee that she would second Councillor Bower's proposal to defer the application. As members debate continued it was queried if an additional condition could be added that covered the developers completing independent assessment or research into the Brent Geese use of the land. The Group Head of Planning advised that as a matter of process members could not attach a condition to a discharge of condition application.

The Chair advised the committee that there was now a seconded proposal which needed to be dealt with, he asked Councillor Bower to explain why he wanted to defer the application, to which he advised that he felt that more work needed to be completed by officers working and to satisfy the ecologists, specifically RSPB and SOS.

The Principal Planning Officer advised members she understood that they would want all other bodies to engage with the process, however the Council could not force bodies to comment or engage with the mitigation plan, and the only formal consultee was Natural England who have no objections. The Group Head of Planning then advised members that the proposal to defer was not clear to officers regarding additional action they wanted them to take, as the councils' ecologist, the applicant's ecologist and Natural England were all in agreement. It had already been clearly explained through the mitigation plans that it would guarantee the land would be maintained and monitored in line with the required condition.

As the debate continued there were more comments from members around how the plan needed to be implemented and evidence that Brent Geese were able to use it, as otherwise it was unsatisfactory. Questions were also posed around whether this has been successful elsewhere. Officers provided further advice and answered questions until the Chair advised that an adjournment was required. The meeting was then adjourned at 5:21pm.

The meeting recommenced at 5:35pm with the Chair welcoming everyone back to the meeting and inviting the Councils Interim Legal Services Manager to address the Committee where she stated that members needed to remember what was being asked of the applicant. It was important that they ensured what they were asking was not unreasonable, if any decision made was found to be unreasonable then the council would be open to legal challenge.

The Chair then invited the Group Head of Planning to speak where he confirmed that the condition on the original permission was to provide suitable mitigation areas, and that was what was proposed, it provided a significant improvement on the current situation. He explained that what members were asking for today was and would be deemed as unreasonable. Finally, he advised that the council's ecologists had been involved fully throughout the process and Natural England had agreed that the plan was an acceptable solution, if members chose to refuse the application there would be no way the council could defend that decision at an appeal.

After checking with the Committee, the Chair invited Councillor Bower to speak where he stated that as a local planning authority measurable conditions were required to be in place. It was confirmed by the Strategic Development Team Leader that all measures were detailed in the outline application and what was in front of members addressed everything that was outlined and debated through the determination of the outline application and conditions.

The Chair allowed the last few comments from members to be heard and then returned to Councillor Bower as the proposer for deferring the application, where it was then agreed that he would withdraw his proposal to defer. The Chair then put the substantive recommendations to the vote.

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The Committee

RESOLVED

**That delegated authority be given to the Group Head of Planning in consultation with the Chair or Vice Chair authority to:**

**Discharge Condition 30 subject to the completion of a Deed of Variation to amend the Section 106 Agreement, with any minor amendments authorised by the Group Head of Planning.**

**In the absence of a signed Deed of Variation, the proposal would conflict with the Section 106 agreements and will not be discharged.**

271. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 2 PERFORMANCE INDICATORS FOR THE PERIOD 1 APRIL 2024 TO 30 SEPTEMBER 2024

The Group Head of Planning presented the report.

Councillor Lury congratulated the Planning department on their performance over the last 12 months.

As there were no questions or further comments to be made, members noted the report.

272. APPEALS LIST

Members noted the appeals list.

(The meeting concluded at 5.49 pm)