

DEVELOPMENT CONTROL COMMITTEE

4 September 2019 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Brooks (substituting for Councillor Mrs Hamilton), Chapman (substituting for Councillor Mrs Pendleton), Charles, Clayden (substituting for Councillor Mrs Stainton), Coster, Edwards, Lury, Northeast, Roberts, Mrs Worne and Mrs Yeates

Councillors Mrs Cooper, Cooper, Dixon, Goodheart and Mrs Hamilton were also in attendance for all or part of the meeting.

190. APOLOGIES

Apologies for absence had been received from Councillors Mrs Hamilton, Mrs Pendleton and Mrs Stainton.

191. DECLARATIONS OF INTEREST

Planning Applications AL/42/19/PL & AL/43/19/L – Councillor Mrs Worne declared a personal interest as she knew one of the applicants. Councillor Mrs Yeates also declared a personal interest by way of knowing the applicants.

Planning Application AW/134/19/HH – Councillor Coster declared a prejudicial interest in response to legal advice received and stated he would leave the room during its consideration. Councillor Lury declared a personal interest as he knew the applicant from the 1980s.

192. MINUTES

The Minutes of the meeting held on 7 August 2019 were approved by the Committee and signed by the Chairman as a correct record.

193. POST COMMITTEE SITE INSPECTION - AW/134/19/HH 33 BALLIOL CLOSE, ALDWICK PO21 5QE

*(Prior to consideration of this application, Councillor Coster had declared a prejudicial interest and left the meeting during its consideration and took no part in the debate and vote.*

*Councillor Lury had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

AW/134/19/HH – Single storey side and rear extension with habitable roofspace and conversion of existing roofspace to habitable use, together with porch removal and replacement windows, 33 Balliol Close, Aldwick

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This application had been deferred from the meeting held on 7 August 2019 to enable the Site Inspection Panel to visit the site to assess the impact of the proposal on the neighbouring property. The report from the Site Inspection Panel and the original report were included in the agenda for Members consideration, together with the officer's written report update circulated at the meeting which detailed an additional objection received from Councillor Dixon as Ward Member and a nearby occupier.

Those Members present at the site inspection were of the view that, due to the overbearing and unneighbourly rear projecting element of the proposed extension and the fact that they considered it to not be in keeping with the locality, the application should be refused. However, the Planning Team Leader advised that the applicant had now submitted revised plans which had reduced the size of the scheme and had moved it further away from the boundary; the officer recommendation therefore remained as one of approval with conditions.

In discussing the matter, comments were made that, as the application had been amended, it should be readvertised to enable objectors to view the changes made.

In turning to the vote, the Committee did not accept the officer recommendation to approve. The Group Head of Planning advised that it was not usual practice to re-advertise a scheme that had been reduced in scale and that only two letters of objection in addition to the Parish Council objection had been received, which did not alter the officer's professional opinion that the application should be approved. He added that he could not see what a deferral would gain as sufficient information was before the Committee to enable it to make a decision.

However, Members reiterated that the amended plans should be readvertised to enable relevant parties to view the proposal and the Committee

#### RESOLVED

That the application be deferred to enable it to be readvertised.

194. PREVIOUSLY CONSIDERED APPLICATION P/134/16/OUT - LAND NORTH OF SEFTER ROAD AND 80 ROSE GREEN ROAD, PAGHAM

*(Prior to consideration of this application, Councillor Huntley spoke as Ward Councillor.)*

P/134/16/OUT – Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No.80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick, Land north of Sefter road & 80 Rose Green Road, Pagham

The Principal Strategic Planner presented this report which advised that, although this application had been determined at the meeting on 13 November 2018 to be approved subject to completion of the S106 Agreement in accordance with the officer's recommendation, it had now been brought back to enable Members to consider the following new material considerations: -

1. The impact of the development upon the Infantry Section Post situated on site which was a non-designated heritage asset; and
2. Publication of the draft Pagham Neighbourhood Plan following its publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Committee was advised that officers had been made aware of several points raised by Members which asserted that there were new material considerations which would justify the reconsideration of highways and ecological matters. In relation to that, the Council's Planning Officers had sought advice from West Sussex County Council as the Local Highway Authority and Natural England, together with advice from the Council's Legal Team. The advice received was that the matters raised with officers did not constitute new material considerations which would justify re-opening the debate or reconsidering those matters.

Members were strongly advised that the debate should be limited to those matters which constituted new material consideration only, as set out in the report and that any debate, weight or consideration given to any matter other than those identified within the officer's recommendation could result in an unsound and therefore legally challengeable decision.

With regard to the Pagham Development Management Plan (also known as the Pagham Neighbourhood Plan), which was a material consideration in the determination of this application, the professional conclusion of officers was that the weight which could be attributed to it at the present time was extremely limited for the reasons set out in the report.

A consultation response had been received from the Council's Conservation Officer in respect of the non-designated heritage asset, i.e. the Infantry Section Post which was in situ on the site. As a result, it was recommended that a condition be included that would require the developer to submit details for approval by the Local Planning Authority which would establish the feasibility of retaining or repairing the infantry section post, to also include measures to make the structure safe and secure. Should it be found that retention was not possible then a submission of a scheme for recording the structure would be required.

In commencing the debate, concerns were expressed that every effort must be taken to preserve the World War 2 (WW2) infantry section post and the Principal Strategic Planner advised Members that they would be able to give more detailed consideration to that issue at the reserved matters stage. The condition being recommended at this outline application stage would ensure that the applicant would

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take the necessary steps to provide the information required to enable an informed decision to be made with regard to the infantry section post. The Group Head of Planning confirmed that the Committee could amend the recommended condition on the table and that there was no need to decline to determine for that reason.

Member comment was made that the matter was being treated casually by officers and, also, a concern expressed that the Pagham Neighbourhood Plan had been dismissed by officers.

A proposal was put forward, which was duly seconded, that this item should be deferred to enable officers to: -

- 1) Under Local Plan Policy HER SP1 to convey to the developers that the Committee wishes to see the WW2 Infantry Section Post as a non-designated heritage asset retained and made safe and confirmation and details thereof to be brought back for consideration by a future Development Control Committee meeting.
- 2) Work with representatives of Pagham Parish Council on the Pagham Development Management Plan to positively evaluate and establish how this may be integrated with Arun's Local Plan, particularly in respect of Pagham Policy DM4 relating to Transport, Environmental and Economic Infrastructure, and to report back on progress thereof for consideration by a future Development Control Committee meeting.
- 3) At the same time as the above reporting back, produce a report for consideration by the Committee on any material considerations and new information that have arisen since the resolution to grant on 13 November 2018 in respect of Local Plan Policies T SP1, H SP2, SD SP1, ENV DM1, ENV DM2, ENV DM5, W DM2, QE SP1 and QE DM3.

In response to the above, the Group Head of Planning confirmed that

1. This was an outline application and it was within the gift of the Committee to amend the condition relating to the Infantry Section Post, negating the request to defer.
2. Support and engagement had been offered to Pagham Parish Council in respect of the production of the Pagham Development Management Plan but to date members of that Council had chosen not to take up that offer.
3. The report on the table, together with the previous report, detailed the material considerations for discussion and what had already been determined, so the Group Head of Planning was unclear as to why a further report would be required.

The Principal Solicitor reminded Members that, in order to defer the application, they had to demonstrate good reasons and she quoted from Planning Guidance that "Local Planning Authorities are at risk of an award of costs if they behave unreasonably, for example, by unreasonably refusing or failing to determine planning applications, examples include preventing or delaying development which should clearly be

permitted, having regard to its accordance with the development plan, national policy and any other material considerations.”

In the course of discussion on the proposal tabled, Member comment was made that it was out of order as it should be more appropriately considered by the Planning Policy Subcommittee; the Committee should not and could not entertain objections to policy as that was not within its purview. In addition, a Member view was expressed that it was important to highlight the legal advice that had been received and that the potential for costs against the Council for taking an improper decision must be seriously considered.

A Member response was made that there was potential new information that had not yet emerged; it was stated that that information would be firmed up and there would be more to come. It was felt that officers should try again with Pagham Parish Council to see if it could be integrated with the Arun Local Plan. The Group Head of Planning expressed his significant concern that the proposal appeared to be being put forward for deferral for a reason that was not yet in the public realm.

Following further debate, the Committee did not accept the officer recommendation to approve and

#### RESOLVED

That the application be deferred to enable officers to: -

- 1) Under Local Plan Policy HER SP1 to convey to the developers that the Committee wishes to see the WW2 Infantry Section Post as a non-designated heritage asset retained and made safe and confirmation and details thereof to be brought back for consideration by a future Development Control Committee meeting.
- 2) Work with representatives of Pagham Parish Council on the Pagham Development Management Plan to positively evaluate and establish how this may be integrated with Arun's Local Plan, particularly in respect of Pagham Policy DM4 relating to Transport, Environmental and Economic Infrastructure, and to report back on progress thereof for consideration by a future Development Control Committee meeting.
- 3) At the same time as the above reporting back, produce a report for consideration by the Committee on any material considerations and new information that have arisen since the resolution to grant on 13 November 2018 in respect of Local Plan Policies T SP1, H SP2, SD SP1, ENV DM1, ENV DM2, ENV DM5, W DM2, QE SP1 and QE DM3.

*(As the vote was tied, the Chairman used his casting vote to approve the amendment to the officer recommendation.)*

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195. PREVIOUSLY CONSIDERED APPLICATION P/25/17/OUT - CHURCH BARTON HOUSE, HORNS LANE, PAGHAM PO21 4NZ

*(Prior to consideration of this application, Councillor Huntley spoke as the Ward Member.)*

P/25/17/OUT - Outline application with all matters reserved – Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works, Church Barton, Horns Lane, Pagham

The Principal Strategic Planner presented this report which advised that, although this application had been determined at the meeting on 23 January 2019 to be approved subject to completion of the S106 Agreement in accordance with the officer's recommendation, it had now been brought back to enable Members to consider the following new material consideration: -

1. Publication of the draft Pagham Neighbourhood Plan following its publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Committee was advised that officers had been made aware of several points raised by Members which asserted that there were new material considerations which would justify the reconsideration of highways and ecological matters. In relation to that, the Council's Planning Officers had sought advice from West Sussex County Council as the Local Highway Authority and Natural England, together with advice from the Council's Legal Team. The advice received was that the matters raised with officers did not constitute new material considerations which would justify re-opening the debate or reconsidering those matters.

Members were strongly advised that the debate should be limited to those matters which constituted new material consideration only, as set out in the report and that any debate, weight or consideration given to any matter other than those identified within the officer's recommendation could result in an unsound and therefore legally challengeable decision.

With regard to the Pagham Development Management Plan (also known as the Pagham Neighbourhood Plan), which was a material consideration in the determination of this application, the professional conclusion of officers was that the weight which could be attributed to it at the present time was extremely limited for the reasons set out in the report.

In opening up the debate, Member comment was made that the argument used under Planning Application P/136/16/OUT was still relevant for this application and so a deferral along the same lines was being sought. It was felt that officers should work with the Parish Council on the development of the Pagham Development Management

Plan and that there were issues that had arisen since planning permission had been granted which needed to now be taken account of.

The Principal Solicitor provided advice that any deferral had to be based on sound reasons otherwise the Council could be liable to have substantial costs awarded against it.

The Group Head of Planning reiterated that the Policies in the Local Plan had been fully considered by Full Council and had been adopted for over a year. Also, the draft Pagham Development Management Plan could not be afforded any weight for the reasons detailed in the report and therefore the officer's recommendation to approve still stood.

This view received Member endorsement and further comment was made that the site formed part of the strategic allocations in the Local Plan and any suggestion to depart from that was ludicrous. It was further felt that if the application was deferred it could be seen as an illegal decision.

The Committee

RESOLVED

That delegated authority be granted to the Group Head of Planning for the completion of the Section 106 Agreement, substantially in accordance with the Heads of Terms previously approved by the Committee on 23 January 2019, and to grant planning permission subject to the S106 Agreement, conditions and informatives.

As a request had been made for a recorded vote to be taken, those voting FOR were Councillors Bennett, Blanchard Cooper, Bower, Chapman, Charles, Clayden, Edwards, Northeast and Roberts (9). Those voting AGAINST were Councillors Coster, Ms Thurston, Mrs Worne and Mrs Yeates (4). Councillors Brooks and Lury ABSTAINED (2).

196. EP/180/18/PL - BUILDING WEST OF 131 SEA ROAD, EAST PRESTON BN16 1PD

*(Prior to consideration of the following application, Councillor Chapman declared a personal interest and remained in the meeting and took part in the debate and vote.)*

EP/180/18/PL – Change of use of boat store & sail loft (Sui Generis) to a single residential dwelling (C3 – Dwelling house) & part change of use of former dinghy pen to caravan site (Sui Generis), Building West of 131 Sea Road, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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197. BR/73/19/PL - LAND TO EAST OF ROYAL NORFOLK HOTEL, ALDWICK ROAD, BOGNOR REGIS PO21 2LH

BR/73/19/PL – Erection of 3 No. terraced residential dwellings, garden/cycle storage sheds & associated parking utilising the existing access (resubmission following BR/214/18/PL. This application affects the setting of a listed building & affects the character & appearance of The Steyne, Bognor Regis Conservation area, Land to East of Royal Norfolk Hotel, Aldwick Road, Bognor Regis Having received a report on the matter, the Committee participated in some debate and a number of views were expressed that the proposal would not sit well in the street scene and that the setting of the Royal Norfolk Hotel would be adversely impacted, whereas it should be preserved as it was a landmark building. Comment was made that this was the most prestigious site in Bognor Regis and the proposed development would make a huge difference to the area.

A converse view was put forward that the development would fit in with the area and could be voted for.

However, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The development by reason of its size and location would adversely impact the setting of the Grade II Listed Building (Royal Norfolk Hotel) and Conservation Area contrary to policies HER DM1 (e) and HER DM 3 (f) of the Arun Local Plan.

As a request had been made that a recorded vote be taken, Councillors Bower, Chapman, Charles, Clayden, Edwards and Roberts voted FOR (6) and Councillors Bennett, Blanchard-Cooper, Brooks, Coster, Lury, Northeast, Ms Thurston, Mrs Worne and Mrs Yeates voted AGAINST (9). There were no ABSTENSIONS.

198. BR/154/19/PL - 8 MEAD COURT, MEAD LANE, BOGNOR REGIS PO22 8BL

BR/154/19/PL – Change of use from single dwelling (currently used as a house in multiple occupation with 6 bedrooms) into a house in multiple occupation with 8 bedrooms including the conversion of existing integral garage into living area. This application may affect the character & appearance of the Upper Bognor road & Mead Lane Conservation Area & may affect the setting of a listed building, 8 Mead Court, Mead Lane, Bognor Regis Having received a report on the matter, the Committee

RESOLVED



That the application be approved as detailed in the report.

199. A/9/19/PL - POUND PLACE, ROUNDSTONE LANE, ANGMERING BN16 4AL

A/9/19/PL – Demolition of existing dwelling & erection of a 62 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane (resubmission following A/51/18/PL), Pound Place, Roundstone Lane, Angmering Having received a report on the matter, the Committee also took account of the officer's written report update which was circulated at the meeting and which advised Members of the following:-

- An additional letter of representation
- Addition of an informative relating to hedgehogs
- A consultation response from County Highways raising no objection to the latest plans
- Proposals for the provision of a footpath and resultant additional condition
- Amendment to condition 2 to take account of the submission of additional revised plans
- Amendment to visual amenity section of the report which incorrectly refers to the development to the north when it should be to the south.

In presenting this report, the Planning Team Leader advised that the applicant had made changes to the original proposal and officers now felt it was acceptable as it was in line with the masterplan for the area which had been agreed in 2014.

Members welcomed the development and, following a brief discussion relating to hedgehogs and parking, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to the decision being issued on the expiry of the advertising period on 13 September 2019 following consultation between the Group Head of Planning and the Chairman and Vice-Chairman.

200. AL/42/19/PL - NYTON HOUSE, NYTON ROAD, WESTERGATE PO20 3UL

*(Prior to consideration of the following application, Councillors Mrs Worne and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.*

AL/42/19/PL – Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This

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application affects the setting of a listed building, Nyton House, Nyton Road, Westergate The Committee received a report from the Principal Planning Officer which set out the detail of the proposal, together with the officer's written report update which set out: -

- Consultation response from the Council's Tree Officer which had resulted in 3 additional conditions
- Additional comments from the applicant to address concerns raised.

In considering this matter, a number of views were expressed that the proposal constituted a cramped form of development which was out of keeping with the setting of the listed building; clay tiles should be used rather than zinc to minimise the potential for noise nuisance; the loss of part of the flint wall was of concern as it would have to be good in a proper manner; the siting was too close to neighbouring properties; and the potential for light pollution needed to be addressed.

The Committee, therefore, did not accept the officer recommendation to approve and

#### RESOLVED

That the application be refused for the following reasons: -

The development by reason of its size, appearance and materials would cause harm to neighbouring heritage assets (Grade II listed Buildings) contrary to HER DM1 of the Arun Local Plan.

#### 201. AL/43/19/L - NYTON HOUSE, NYTON ROAD, WESTERGATE PO20 3UL

*(Prior to consideration of the following application, Councillors Mrs Worne and Mrs Yeates had declared a personal interest and remained in the meeting and took part in the debate and vote.)*

AL/43/19/L – Listed building consent for the construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden, store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas, Nyton House, Nyton Road, Westergate The Committee received a report from the Planning Team Leader, together with an officer report update which detailed a response from the applicant to concerns that had been raised and a statement by their Heritage Consultant.

In light of the decision made in respect of the previous planning application on the agenda, AL/42/19/PL, the Committee did not accept the officer recommendation to approve and

**RESOLVED**

That the application be refused for the following reason: -

The development by reason of its size and proximity to other dwellings would harm residential amenity contrary to policy D DM1 of the Arun Local Plan.

202. PLANNING APPEALS

The Committee noted the appeals that had been received.

(The meeting concluded at 6.12 pm)