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PLANNING COMMITTEE

30 November 2022 at 2.00 pm

Present: Councillors Chapman (Chair), Blanchard-Cooper, Bower, Chace, Hamilton, Haywood, Lury, Thurston and Warr

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillor Blanchard-Cooper – Minute 482 [part]; Councillor Warr – Minute 484 [part] to Minute 486.

Apologies: Councillors Edwards and Kelly

469. ELECTION OF THE VICE-CHAIR

The Chair opened the meeting and explained that the Vice-Chair had given his apologies for the meeting. He then proposed that Councillor Lury sit as acting Vice-Chair for this meeting. This was seconded unanimously by all other Committee Members present.

The Committee

RESOLVED

That Councillor Lury be Vice-Chair of this meeting.

470. DECLARATIONS OF INTEREST

No declarations of interest were made.

471. MINUTES

The Minutes of the previous meeting held on 26 October 2022 were approved by the Committee and signed by the Chair.

472. 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.

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473. AL/107/21/PL WOODGATE CENTRE, OAK TREE LANE, WOODGATE

Demolition of the Woodgate Centre buildings (including 3 No. residential dwellings) & the construction of 180 No. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscape planting, surface water attenuation & drainage & other associated infrastructure. This site is in CIL Zone H SP2, BEW Strategic Site and is not CIL Liable.

This application was deferred by Committee on 27 April 2022 [Minute 818] to allow for further information and clarity on the use of the Section 106 Agreement contributions. The Strategic Development Team Leader presented the report which provided further information to Members and noted a verbal update to the Officer recommendation due to outstanding issues with the Section 106 Agreement arising from Arun and West Sussex's updated apportionment methodology and infrastructure negotiations.

Members then took part in a debate on the application where a number of points were raised and responded to by Officers, including questions around the delivery of the footbridge and whether a date for delivery had been settled, clarification over the Section 106 contributions especially in relation to the A29 realignment and any impacts to funds going to public transport, and the parking standards around electric vehicle charging points. The recommendations were then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

To delegate to the Group Head of Planning in consultation with the Chair of Planning Committee authority to:

- a) Grant full planning permission subject to conditions set out in the Officer's report; and
- b) Subject to a Section 106 Agreement, subject to minor amendments to confirm the level of Highway and Transport contributions and projects and the mechanism for the delivery of the East-West cycle/footbridge.

Should these matters not have been resolved within 6 weeks then delegated authority be granted to the Group Head of Planning (in consultations with the Chair of Planning Committee) to refuse the application.

474. A/153/22/OUT BROADLEES, DAPPERS LANE, ANGMERING BN16 4EN

2 Public Speakers

Cllr Nicky Hamilton-Street – Angmering Parish Council
Anna Gillings – Agent

Outline application for development of the site to provide up to 20 dwellings with all matters reserved (except for access).

The Planning Area Team Leader presented the report with updates and highlighted a change to conditions as the condition requiring a pavement linking the site to Water Lane was already secured as a condition on another planning approval (A/114/18/PL) which was already under construction. This was followed by 2 Public Speakers.

Members then took part in a debate on the application where a number of points were raised and responded to by Officers, including the removal of trees from the site, the drainage solutions and whether the Committee should consider them at the Reserved Matters stage, local secondary education capacity, and the level of disruption to the care home. The Group Head of Planning concerned that the application was CIL liable and that was how funds for infrastructure would be secured, rather than through Section 106 contributions. The Planning Area Team Leader noted conditions in the report concerning trees and drainage, and that the separate approval for the care home also had conditions to minimise disturbance. The recommendations were then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

To delegate to the Group Head of Planning in consultation with the Chair authority to:

- a) Complete the Section 106 Agreement, the terms of which are substantially in accordance with those set out in the report with any minor amendments authorised by the Group Head of Planning; and
- b) Upon completion of the Section 106 Agreement, grant outline planning permission subject to conditions.

Should the Section 106 Agreement not be completed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reason:

1. In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

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475. AB/128/22/PL 55 FITZALAN ROAD, ARUNDEL BN18 9JP

Variation of condition following APP/C3810/D/22/3294699 (AB/130/21/HH) relating to Condition No 3 – materials.

The Planning Area Team Leader presented the report but technical issues in the meeting prevented some Members being able to see the visual presentation. One Member did note the difficulty in determining applications without being able to see the proposals. The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

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

476. AL/96/22/RES LAND AT BAYARDS, LEVEL MARE LANE, EASTERGATE PO20 3RZ

(Before this application, there was a two minute pause to resolve technical issues in the Chamber.)

3 Public Speakers

Ken McGowan – Objector

Ian Anderson – Agent

Rob Collett – Applicant

Approval of reserved matters following outline consent AL/113/21/OUT for 67 No. houses. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liabile as new dwellings.

The Planning Area Team Leader presented the report with updates. This was followed by 3 Public Speakers. Members then took part in a debate on the application and raised concerns over the location of the proposed play area and whether it should be closer to and within site of the affordable housing, the impacts from the development to Level Mare Lane as only 6 of the 67 houses would be accessible from this road, and the unpopularity of the proposals with some of the local community. The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

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

477. AL/135/22/RES LAND WEST OF HOOK LANE, ALDINGBOURNE PO20 3BB

2 Public Speakers

Katherine Jarman – Aldingbourne Parish Council

Sam Sykes – Agent

Approval of the Reserved Matters; Appearance, Landscaping, Layout and Scale for the construction of 10 No. dwellings following the permission of AL/79/20/OUT. This application is in CIL Zone 30 (CIL Liable) and is a Departure from the Development Plan.

The Planning Area Team Leader presented the report with updates. This was followed by 2 Public Speakers. Members then took part in a debate on the application where concerns were raised about the lack of protection given to the mature hedgerow on the site's eastern boundary and the loss more generally of hedgerows and biodiversity in the District. The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

The Committee

RESOLVED

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

478. BN/65/22/PL LAND REAR OF CEDAR END, EASTERGATE LANE EASTERGATE PO20 3SJ

(Before this application, the Chair announced there would be a ten minute adjournment to resolve technical issues.)

2 Public Speakers

Richard Blott – Objector

Darryl Howells – Agent

Sever land and erection of 1 No. bungalow with new vehicular access (resubmission of BN/14/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwelling.

The Planning Area Team Leader presented the report with updates. This was followed by 2 Public Speakers. One Member questioned the size of the property relative to the plot and whether it was too big, but Officers noted that it was similar to neighbouring properties and not visible from the road. The recommendation was then proposed by Councillor Bower and seconded by Councillor Chace.

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The Committee

RESOLVED

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

479. BR/159/22/PL 5-11 ARONEL COTTAGE NURSING HOME, HIGHFIELD ROAD, BOGNOR REGIS PO22 8BQ

Two storey side extension creating 16 No. additional bedrooms with en-suite, new lift and additional living space (resubmission of BR/135/21/PL). This application is in CIL Zone 4 (zero rated) as other development.

The Planning Area Team Leader presented the report. One Member asked if a Flood Zone Assessment had been undertaken. It was confirmed that the site was located within Flood Zone 1 so this was not necessary. Another Member noted the conditions on ecology and energy and asked whether trees had been removed ahead of this application being submitted. Officers confirmed that there were no TPOs on the site so were not involved in that process. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

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

480. FG/155/22/PL 7 SEA LANE, FERRING BN12 5JP

2 Public Speakers

Michelle Blackburn – Supporter

Jane Wilkinson – Supporter

Variation of condition 4 following FG/12/16/PL to vary hours of operation to Monday-Sunday 12:00-22:30, Christmas Eve 12:00-23:00, New Year's Eve 12:00-00:30; late night refreshment on Christmas Eve 23:00-00:30, New Year's Eve 23:00-01:00; performance of live music on New Year's Eve 23:00-00:30 and performance of recorded music on New Year's Eve 23:00-00:30.

The Planning Area Team Leader presented the report with updates and confirmed an update to conditions following Environmental Health being satisfied by a noise assessment submitted by the applicant. This was followed by 2 Public Speakers. Once the hours of operation and the wording of conditions were clarified, the recommendation was proposed by Councillor Bower and seconded by Councillor Blanchard-Cooper.

The Committee

RESOLVED

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

481. LU/204/22/PL 36 BEACH ROAD, LITTLEHAMPTON BN17 5HT

Change of use ground, first and second floor from mixed use E and C3 to Sui Generis House of Multiple Occupation with ancillary office on part ground floor.

The Planning Area Team Leader presented the report. Members then took part in a debate on the application where concerns were raised about the loss of commercial floorspace, the limits this would impose on potential businesses and the detrimental impact this could have to the site's town centre location. The Planning Area Team Leader noted that current permitted development regulations allowed for a change of use from retail to residential. The recommendation was then proposed by Councillor Chapman and seconded by Councillor Bower.

The Committee

RESOLVED

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

482. P/161/22/PL LAND ADJACENT TO SEFTER SCHOOL HOUSE, SEFTER ROAD, BOGNOR REGIS PO21 3EE

[Councillor Blanchard-Cooper was absent for part of the discussion and the vote for this item.]

1 Public Speaker

Cllr Peter Atkins – Pagham Parish Council

Variation of condition 13 imposed under P/116/19/OUT relating to the rewording of the condition.

The Planning Area Team Leader presented the report. This was followed by 1 Public Speaker. Members then took part in a debate on the application where a number of points were raised and responded to by Officers, including clarification of the details of the fourth component under Condition 13 (the requirement for longer-term monitoring of pollutants and maintenance) and whether this research should precede building work rather than occupation. The recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

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The Committee

RESOLVED

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

483. WA/57/22/NMA LAND EAST OF FONTWELL AVENUE, FONTWELL

1 Public Speaker

Dawn Appleton – Agent

Non material amendment following WA/22/15/OUT to amend the description of development to refer to 405 new dwellings so that the description reads: Outline planning permission for up to 405 new dwellings, up to 500 sq. m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000 sq. m of light industrial floorspace (B1 (b)/(c)) and associated works including access, an internal road network, highway works, landscaping, selected tree removal, informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage.

The Strategic Development Team Leader presented the report. This was followed by 1 Public Speaker. Once it was confirmed that any change agreed by Committee would not impact what had previously been approved and only alter the description, the recommendation was then proposed by Councillor Chace and seconded by Councillor Bower.

The Committee

RESOLVED

That the non-material amendment be APPROVED so that the amended description reads: Outline planning permission for up to 405 new dwellings, up to 500 sq. m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000 sq. m of light industrial floorspace (B1 (b)/(c)) and associated works including access, an internal road network, highway works, landscaping, selected tree removal, informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage.

484. WA/86/22/RES LAND WEST OF TYE LANE, WALBERTON

[Councillor Warr left the meeting during this item.]

2 Public Speakers

Philip Hailey – Objector

Dawn Appleton – Agent

Approval of reserved matters following outline consent WA/68/20/OUT for the construction of 131 No. dwellings (30% affordable homes) and amendment to boundary of garden land to serve adjoining property. This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Village Conservation Area and is in CIL Zone 3 and is CIL Liable as new dwellings.

At the beginning of this item, the Chair read out a statement to the Committee [which is provided here verbatim for the record]:

On Wednesday 23 November I received an e-mail from a Mr James Mallinson on behalf of the applicants for this item. On that day I was travelling to York. When I arrived in York at around 5pm I accessed my I-pad and noticed the message. Given the heading relating to a live planning application I did not open it. When I returned home on 27 November there was a message on my home answerphone received on 24 November from Mr Mallinson asking me to confirm that I had received the message. I did not respond. On Monday 28 November Mr Mallinson again telephoned on my home number and asked me to confirm that I had received and read his message on behalf of BDW. I told him that I was not prepared to confirm or deny that I had received or read his message and that I would seek further advice on the matter from the Monitoring Officer. This, therefore, is a brief summary of matters relating to this application and I am now confirming to this Committee, for the record and for transparency, that I did not read the content of the message from Mr Mallinson and that whatever its contents it has no bearing on my consideration of the application.

The Planning Area Team Leader then presented the report with updates. This was followed by 2 Public Speakers. Members then took part in a debate on the application where a number of points were raised, including that the application was won on appeal but that it did not meet the objectives of the Appeal Inspector as they had wanted bungalows along the southern boundary of the site and instead there were 2-storey dwellings, what constituted a bungalow, the need for single storey dwellings, the demographics that may use bungalows and whether there would be conflict with placing the play area in front of them, the suitability of the style and materials proposed for the location and the need for a consistent approach to quality across the development.

The Officer recommendation to approve conditionally was then proposed by Councillor Chapman and seconded by Councillor Warr. After a vote, the recommendation was declared NOT CARRIED.

The Chair noted that the meeting was nearly at its 3 hour limit unless an extension as per Part 5, Section 2, 8.1 of the Constitution was voted for. Councillor Chace proposed a 30 minute extension to the meeting. This was seconded by Councillor Blanchard-Cooper.

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The Committee

RESOLVED

That the meeting be extended for a further 30 minutes at which time the meeting would stand adjourned.

The Legal Services Manager explained the process that Members would need to follow when refusing or deferring an application against the Officer's recommendation and reasons for refusal were then discussed by Members. These included the proposal conflicting with the Inspector's decision/guidance that the properties to the southern end of the site fronting the play areas should be single storey only, and that proposed dwelling style and materials failed to reflect those found in the locality. Both reasons were considered to significantly harm the character and appearance the area. The recommendation to refuse was then proposed by Councillor Bower and seconded by Councillor Lury.

The Committee

RESOLVED

That the application be REFUSED on the grounds that:

1. The proposal conflicted with the Inspector's decision/guidance that the properties to the southern end of the site fronting the play areas should be single storey bungalows only and thereby significantly harm the character and appearance of the area in conflict with policies D DM1 and D SP1 of the Arun Local Plan;
2. The proposal by reason of dwelling style and materials proposed failed to reflect those found in the locality and thereby significantly harm the character and appearance the area in conflict with policies D DM1 and D SP1 of the Arun Local Plan.

The Members who voted against the Officer's recommendation to approve and for the recommendation for the application to be refused were Councillors Blanchard-Cooper, Bower, Chace, Chapman, Hamilton, Haywood, Lury and Thurston. There were no votes cast against this recommendation and no votes cast in abstention.

485. CHANGE TO THE ORDER OF THE AGENDA

Due to the approaching time limit for the meeting and the deadlines involved in the consultation, the Chair used his discretion to amend the order of the agenda to hear Agenda Item 20 [Rampion 2 Wind Farm Proposal - Supplementary Statutory Consultation] next.

486. RAMPION 2 WIND FARM PROPOSAL-SUPPLEMENTARY STATUTORY CONSULTATION

Upon the invitation of the Chair, the Group Head of Planning presented the report which updated Members on the proposed amendments to the onshore elements of the Rampion 2 Wind Farm proposals. These amendments were deemed to be relatively minor for Arun and included a change in the location of the substation and changes to the cable route from the shore to the substation. The recommendation was then proposed by Councillor Bower and seconded by Councillor Haywood.

The Committee

RESOLVED

That the proposed alternative routes be noted and that there were no additional comments specific to those proposals, and that the resolution of the Committee in September 2021 [Minute 238] remained unchanged.

The Chair informed the Committee that the meeting would then be adjourned and a date to finish the business of the meeting to take place within 10 working days would be communicated to Committee Members as soon as available. The meeting was then adjourned.

(The meeting adjourned at 5.21 pm)

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