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Subject to approval at the next Planning Committee meeting

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## PLANNING COMMITTEE

14 December 2023 at 2.00 pm

Present: Councillors Hamilton (Chair), Wallsgrove (Vice-Chair), Bicknell (Substitute for Bower), Gunner (Substitute for Patel), Kelly, Long (Substitute for Woodman), Lury, McDougall, Northeast, Partridge and Warr (Substitute for Blanchard-Cooper)

### 469. APOLOGIES

Apologies were received from Councillors Bower, Blanchard-Cooper, Patel and Woodman.

### 470. DECLARATIONS OF INTEREST

Councillor Long declared a personal interest in Item 5 [LU/246/23/PL - LITTLEHAMPTON SEAFRONT, EAST OF HARBOUR PARK AND SOUTH OF SOUTH TERRACE, LITTLEHAMPTON, BN17 5LH] as a member of Littlehampton Town Council and its Planning and Transportation Committee who had previously considered this application. She then stated that she would be keeping an open mind when considering this application.

### 471. 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 to be discussed at the meeting.

### 472. LU/246/23/PL - LITTLEHAMPTON SEAFRONT, EAST OF HARBOUR PARK AND SOUTH OF SOUTH TERRACE, LITTLEHAMPTON, BN17 5LH

*(Councillor Long redeclared a personal interest in Item 5 [LU/246/23/PL - LITTLEHAMPTON SEAFRONT, EAST OF HARBOUR PARK AND SOUTH OF SOUTH TERRACE, LITTLEHAMPTON, BN17 5LH] as a member of Littlehampton Town Council and its Planning and Transportation Committee who had previously considered this application. She then stated that she would be keeping an open mind when considering this application.)*

3 Public Speakers

Planning Committee - 14.12.23

Richard Groom, Objector  
Mrs Lees, Objector  
Helen Kent, Agent

Application under Regulation 3 of the Town & Country Planning Act (General Regulations) 1992 for the regeneration and transformation of Littlehampton Seafront to provide improved facilities and spaces for sport, arts and recreation. This application may affect the setting of listed buildings, may affect the character and appearance of the Littlehampton Seafront conservation area and is in CIL Zone 5 (Zero Rated) as other development.

The Interim Head of Development Management present the report with updates. After public speaking the officer was invited to respond to any points raised where he addressed the comments made regarding a 'loss of open space', explaining that there would still be large areas of open space available. In addressing comments made regarding the viewpoint, it was stated that the enhancement of the facilities the application would bring would encourage more and new visitors to the area. In summing up it was confirmed that there would be specific coach parking spaces that would be allocated.

Members raised the following points during the debate, additional comments were made regarding Coach Parking specifically the configuration of the road layout on Banjo Road and the number of parking spaces that would be available. Drainage and flooding concerns were raised. Statements were made regarding the importance of ensuring that maintenance of trees planted were kept in high standard to ensure that a 'green screen' was not created that would inhibit the sea views for any residents or business owners. The Interim Head of Development Management then provided detailed responses to each point raised.

The recommendation was then proposed by Councillor Gunner and seconded by Councillor Bicknell.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY.

473. WA/67/23/PL - LAND AT WEST WALBERTON LANE, WALBERTON, ARUNDEL, BN18 0QF

2 Public Speakers

Matt Allsopp, Applicant  
Jeremy Gardiner, Agent

Construction of 25 No dwellings together with associated access from Eastergate Lane, parking, public open space and landscaping (resubmission following WA/32/21/PL). This application may affect the setting of listed buildings, may affect the character and appearance of the Walberton Green Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

The Interim Head of Development Management presented the report with updates.

Members raised the following points during the debate, a request was made that a 'Grampian Condition' be attached to the application, to ensure that all off-site work was completed prior to any new development being undertaken. This was requested as a direct result of the drainage and flooding concerns raised. Discussion was had regarding the conservation officers comments detailed on page 27 of the report. It was asked who owned the open spaces to the east of the green, where it was advised that the space would be managed through a management company. Concern was raised that comments from Southern Water were missing and it was commented that this made it difficult for some to come to a determination on the application.

It was then proposed by Councillor McDougall that the application be deferred in order to wait for a full response back from Southern Water regarding the sewage provisions and connections. This was seconded by Councillor Gunner.

The Committee

RESOLVED

That the application be DEFERRED until a full response from Southern Water had been received and could be considered by the Committee.

474. APPEALS LIST

Members noted the appeals list.

475. SCHEME OF DELEGATION

The Group Head of Planning presented the report, he outlined that the changes detailed in the report were a 'tidying up' process that would impact a small number of applications, which would no longer be required to be brought before Committee.

There was a short debate where it was made clear by the committee, that they were not in favour of approving the changes detailed in the report.

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The recommendations were proposed by Councillor Wallsgrove and seconded by Councillor McDougall. Upon the vote being taken, members voted **against** the recommendations in the report.

The Group Head of Planning then asked members to provide a clear narrative as to why they were unhappy to approve the changes as detailed in the report. It was confirmed that members did not want to increase delegations to officers, this was because as elected members they should be the decision makers. It was stated that public perception was that members 'don't do enough' and approving the changes in this instance was felt to feed that narrative. The Group Head of Planning responded to the comments made, where he stated that the report was first presented to Committee at its November 2023 meeting and since then members had, had two briefings where it had been outlined the changes were minor and would impact a small number of applications. However, the concerns expressed at the meeting had not been raised previously. In summing up he confirmed that members would need to consider that not approving the changes detailed would mean that these instances would continue to impact officer and member time, finances and impact the timeframe to make decisions on these applications.

#### 476. DECISION ON Y/52/23/PL

The Group Head of Planning presented the report, where he outlined that there was a need for members to consider the additional wording that had been detailed in the report in order to strengthen their refusal reasoning for the application in order to ensure the decision of the committee could be defended should the applicant appeal the decision of the committee.

Members were in agreement with the proposed changes detailed within the report. There was a request from one member to split the vote out due to the member participating in this meeting as substitute and having not attended the original meeting where the decision had originally been made. Advice was then sought from the Legal Services Manager regarding the vote, where it was advised that anyone acting as a substitute at the meeting could abstain. Discussion on this matter continued as there was contention in relation to advice received therefore a 10-minute adjournment was agreed and taken at 16:05.

The meeting was readjourned at 16:20, where the Chair explained that members were now clear on the advice that had been given and were now ready to move to the vote on the item.

The recommendations were proposed by Councillor McDougall and seconded by Councillor Lury. The vote was taken in three parts as requested with recommendations (i), being voted on first, then recommendation (ii), and finally recommendation (iii).

## The Committee

### RESOLVED

2.1 That Planning Committee confirm the following by way of clarification in respect of the decision made on Y/52/23/PL.

- i. Reasons for refusal 1 & 2 are withdrawn.
- ii. Reason for refusal 3 is withdrawn.
- iii. Reason 4 should have read.

The design of the proposed houses would be incongruous with the established character of this semi-rural edge of settlement location which forms a buffer to the hamlet of Bilsham. They would introduce an urban built form to the edge of settlement location and not reflect the established character of the area. This would result in substantial harm to local character in conflict with Arun Local Plan policies D DM1 & LAN DM1, and policy H4 of the Yapton Neighbourhood Development Plan 2011-2031. The harm identified clearly and demonstrably outweighs the benefits of the application including its contribution to the Councils Housing Land Supply shortfall.

iv. Additional reasons for refusal should have included 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.

In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.

#### 477. BUTLINS - LOCAL DEVELOPMENT ORDER

The Group Head of Planning asked members if given the current time members would be minded for items 10 and 11 to be taken together as they were the same decision. Members were in agreement, so he then presented the reports this item and the University of Chichester.

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

The Committee

RECOMMENDED TO FULL COUNCIL that

2.1 the amended Local Development Order for the Butlins Complex, Bognor Regis be adopted.

478. UNIVERSITY OF CHICHESTER - LOCAL DEVELOPMENT ORDER

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

The Committee

RECOMMENDED TO FULL COUNCIL that

2.1 the amended Local Development Order for the University of Chichester, Bognor Regis Campus be adopted.

479. FITZALAN ACOUSTIC BARRIER

The Group Head of Planning presented the report.

Members raised the following points during their debate, clarity was sought as to why the recommendation was to defer the item and what had prompted the report to be presented to members at this time. It was confirmed that the previous report presented to Committee recommended that the Council ceased exploring options, however members did not accept this recommendation at the time. As officers had not been able to progress matters further since then, it was felt that given the work due to be completed for the Lyminster Bypass this could provide a change in circumstances and it was therefore worth members being provided the opportunity to re-review once this new section of road had been opened for a period of time. There was agreement expressed stating that should a decision be made now to lower the acoustic barrier without considering the potential future noise impacts that could be in place once the road had been opened would be a mistake.

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

The Committee

RESOLVED

2.1 That the Committee resolve to defer further consideration of this matter until the northern section of the Fitzalan Link Road is opened (currently scheduled for Autumn 2024).

480. Q2 PERFORMANCE REPORT FOR THE KEY PERFORMANCE INDICATORS (KPI'S) WHICH FORM PART OF THE COUNCIL'S VISION 2022-2026

Members raised the following points on the report, CP33 what steps were being taken to improve this indicator, it was explained that one application, Land North of the Academy in Littlehampton had been with the council a long time due to ongoing work with S106 agreements for affordable housing. The Group Head of Planning explained that any application that was received by the council with a s106 agreement attached to it, would not be completed within the 13-week timeframe due to the level of work involved with these specifically. A further question was raised regarding why the target was showing as significantly worse in quarter 2 and would considering a change to the process for applications with s106's attached help improve this. It was confirmed that the second appendix to the report, detailed 'rolling' figures and that these needed to be considered over a 6-month timeframe to truly see if there were trends due to specific variations. In addressing the process change suggested it was stated that there had been a number of applications that had been deferred previously and more recently in order to wait for s106 agreement to be received and reviewed prior to any determination being made. However, the last thing that anyone wants as an outcome would be abortive work being completed, if officers spent months working on the s106 agreement and the application was then refused, the work and time put into this has been wasted.

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

The Committee

RESOLVED

2.1. that the Committee 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 8 February 2024.

(The meeting concluded at 4.45 pm)

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