

PLANNING COMMITTEE

7 August 2024 at 2.00 pm

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

[Note: Councillor Woodman was absent from the meeting during consideration of the items in the following minute – minute 172 (Part) to Minute 174].

Councillor Pendleton was also in attendance for all or part of the meeting.

Apologies: None.

164. 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:

Name	Town or Parish Council or West Sussex County Council [WSSC]
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

165. MINUTES

The minutes of the previous meeting held on 10 July 2024 were approved by the Committee and signed by the Chair.

166. 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.

Planning Committee - 7.08.24

167. BE/40/22/PL - FORMER BARTONS INFANT SCHOOL, ROMNEY BROADWALK, BERSTED, PO22 9BH

Demolition of former school building and erection of 20 No. new dwellings and associated car parking, cycle parking and landscaping. This site is in CIL Zone 4 (Zero Rated).

The Team Leader (Development Management) presented the update report reminding members that at the last meeting of the committee they had voted to defer the application due to concern from Councillors regarding private garden space in some of the plots and the limited contribution to affordable housing. It was confirmed that the applicant had now offered to increase the proposed amount for off-site affordable housing to £80,000 and this would be collected via the s106 agreement. The offer had been made upon the deletion of the "late-stage review" clause from the s106 agreement. The applicant had worked to the Arun Design Guide SPD, updated February 2024, that detailed the suggested garden length of 10.5m. The site was an awkward irregular trapezoid shape, and with constraints around the tributary easement it was not possible to achieve the garden length in all instances.

During member debate it was clarified that the funds for the off-site affordable housing would be used specifically for affordable housing within the district, it was queried if the funds could be used in conjunction with right-to-buy housing. Other comments made were supportive of the increased off-site affordable housing funds and there was support expressed for the progress that had been made to the application since the committees last meeting.

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

The Committee

RESOLVED

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

168. M/38/24/PL - MARIEDENE, 43 SEA WAY, MIDDLETON, PO22 7RZ

4 Public Speakers

Mr Simon Anderson, Objector
Rachel Lunt, Objector
Euan Clark, Agent
Alistair Smyth, Supporter

In line with the provisions of Committee Procedure Rule 12 (Attendance by other Members of the Council) as set out in Part 5 of the Councils Constitution, Councillor Jacky Pendleton was then invited to address the Committee.

Proposed replacement self-build dwelling with open air swimming pool and ancillary outbuildings. This application is in CIL zone 4 and is CIL liable as a new dwelling.

The Senior Planning Officer presented the report.

The recommendation was then proposed by Councillor Partridge and seconded by Councillor Woodman.

During debate concern was raised regarding the siting of the air source heat pumps which had potential to create an unacceptable level of noise impacting neighbouring properties, some members indicated that they would prefer if the current siting was reviewed with the air source heat pumps being moved to a different location further away from neighbouring properties. It was confirmed that Environmental Health had not placed an objection in relation to the sound levels for the equipment. The Group Head of Planning reminded members that it was not for officers to make amendments to the plan for the application. Should members want amendments made they would need to instruct officers on what they wanted to happen.

There were comments made that the application was not felt to adversely impact the street scene, one member had concerns over the angle of the plot, stating that the neighbouring property to the west of the site would be obstructed. Turning back to the earlier concerns raised in relation to the potential noise levels created by the air source heat pump it was proposed by Councillor Northeast that **the air source heat pump and any other mechanical equipment be moved to another location to the rear of the building**, this was duly seconded by Councillor Woodman.

On debate of the amendment put forward it was felt by one member that what members wanted was a deferment of the application to allow for the applicants to review their comments and then consider changes, however they were happy with the application as it was. The Group Head of Planning advised members that their amendment could be actioned with delegated authority being given to officers, the Chair then asked Councillor Northeast and Woodman if they would be happy to have this added into to their amendment to which they both agreed with the amendment amended as follows that **delegation be given to officers in consultation with the Chair and Vice-Chair of the Committee to ensure** that the air source heat pump and any other mechanical equipment be moved to another location to the rear of the building.

Upon the vote being taken the amendment passed, those voting for were Councillors Blanchard-Cooper, Hamilton, Kelly, Lury, Northeast, Partridge, Wallsgrove and Woodman (8). Those who abstained were Councillors Bower and McDougall (2). There were no votes against.

Planning Committee - 7.08.24

The Committee

RESOLVED

That application be APPROVED CONDITIONALLY, and delegation be given to officers in consultation with the Chair and Vice-Chair of the Committee to ensure that the air source heat pump and any other mechanical equipment be moved to another location to the rear of the building.

A 10-minute adjournment was requested by members at 14:51 and the meeting was readjourned at 14:59.

169. BE/51/24/PL - LAND AT CHALCROFT NURSERIES, CHALCROFT LANE, BERSTED, PO21 5TS

1 Public Speaker

Rachel Ballam, Applicant

Feature wall either side of the access road into the development known as Nursery Fields. This application is in CIL Zone 4 (Zero Rated) as other development.

The Principal Planning Officer presented the report.

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

Member debate heard one member state their preference for soft landscaping rather than the feature wall. Another member queried if the trees on the left-hand side of the site would need to be removed to accommodate the feature wall, it was confirmed that no trees would be required to be removed. The Chair queried if the wall would be traditional flint or was it a flint panel that was to be installed. It was confirmed that it was a flint panel. Members expressed their disappointment to this and asked officer to pass on their comments to the applicant.

The Committee

RESOLVED

That the application be **APPROVED CONDITIONALLY**

170. BN/50/24/PL - LAND AND BUILDINGS EAST OF 28 BARNHAM ROAD, BARNHAM, PO22 0ES

1 Public Speaker

Emma Morrison, Agent

Part-demolition and change of use of existing buildings from vacant retail (Class E) to a hot food takeaway (sui generis). Provision of car parking, installation of extraction and ventilation equipment and external alterations including replacement roof and new shopfront. This application is in CIL zone 2 (zero rated) as other development.

The Team Leader (Development Management) presented the report with updates.

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

The Chair invited members to debate the application where general comments of support were made inclusive of the site having been a 'mess for some time and an area that had been used by rough sleepers, the application to bring the site back into use would 'tidy up the area. Comments relating to the more recent Anti-Social Behaviour (ASB) that had been seen in the area were made, with any concern that the application could contribute to further ASB in the area having been alleviated by the confirmation of CCTV installation.

The Committee

RESOLVED

That the application be **APPROVED CONDITIONALLY**

171. BR/77/24/PL - CORDELL HOUSE REST HOME, 120 VICTORIA DRIVE, BOGNOR REGIS, PO21 2EJ

Change of use of a C2 Residential care home into a 9 No. bed C4 House in Multiple Occupation (following the grant of BR/12/23/PL) including changes to fenestrations and associated works. This application is in CIL Zone 4 (Zero Rated) as other development.

The Team Leader (Development Management), presented the report with updates.

The recommendations were proposed by Councillor Woodman and seconded by Councillor Partridge.

Planning Committee - 7.08.24

During member debate the following points were made, clarity on the bedroom sizes being of 'acceptable size' was requested where it was confirmed that the property had been subject to a separate Environmental Health survey as well as confirmation that a House of Multiple Occupation (HMO) licence would not be approved if the bedroom size didn't meet the minimum requirement. It was also queried of the square footage of one of the bedrooms included the bathroom, the officer confirmed that the ensuite had a square footage of 2.2sqm in addition to the bedroom sqm. Other comments relating to size of the rooms were made where it highlighted one member's concern that whilst the room size may meet the required minimum standards, it was 'hardly living space'. One member raised his concern at the lack of trees left in the road now, he stated that he believed that this was causing a change to the character of the area, the officer confirmed that it was believed there would be no additional impact on the road.

The Committee

RESOLVED

That the application be **APPROVED WITH A SECTION 106 AGREEMENT**

172. P/27/24/PL - LAGNERSH HOUSE, HOLIDAY SITE, LOWER BOGNOR ROAD, LAGNESS, PO20 1LW

(At 16:03 Councillor Woodman leaves the meeting and does not return to the meeting.)

2 Public Speakers

Mr Ray Salter, Objector
Vicki Wood, the Agent

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 Principal Planning Officer presented the report with updates. After the public speaker statements had been read out by the Committee Manager the Chair invited the Principal Planning Officer back to address any points raised from those statements. The officer confirmed that all points raised by the objector had been covered within the report, he confirmed there was an ongoing Enforcement Appeal taking place, and reminded members that the application was for 60 consecutive days a year only.

The recommendation was then proposed by Councillor Partridge and seconded by Councillor Wallsgrove.

During debate the following concerns and points were raised, one member was particularly concerned that the site would not be used 'only' for 60 days a year, she stated her opinion that the council was 'not very good at enforcement', she continued to make comments in relation to behaviour and incidents involving the Police and stated that so far, all the council enforcement attempts had so far been ignored. The Chair intervened and reminded the committee that it should avoid commenting on any current legal proceedings outside of the planning process, he then allowed the member back to speak where they stated that until the current legal action had been resolved the application should be deferred.

The Group Head of Planning was then invited by the Chair to address the committee, where he strongly reminded members that any action or behaviour of any applicant was irrelevant in respect of members 'believing' they would adhere to any conditions outlined within an application. The council could not remedy any 'potential issues' before they happen, only after the fact.

As discussion continued, further comments were made where it was highlighted that current action by the applicant was in direct contravention of previous applications that had been refused. There were additional comments made where it was highlighted that there was little faith that there would be adherence to the '60 consecutive day' operating timeframe and what would the council do to manage, measure and enforce this. The Principal Planning Officer referred members to Condition 9, where it detailed the time period as a maximum of 60 consecutive days from 31 March to 31 August and if the site was found to be in operation outside of these dates and a complaint was made it would be fully investigated. It was then queried if the applicant could choose any day to start their '60 consecutive day' use of the site within the timeframe (31 March – 31 Aug), this was confirmed, it was then asked if there was any way to tighten up the dated timeframe, only giving a 60 consecutive day option e.g. May to June. The Group Head of Planning referred members to page 92 of the agenda pack, 'Other Material Considerations' section where it was detailed that anyone can run a campsite, for 60 days a year in any location under permitted development rights, the only obligation on the individual is to notify the Council that it was happening.

Members continued to discuss their concerns, with various reductions in the operating timeframe being made and clarity sought on exactly when, if the applicant was approved the 60 consecutive days would start and additional comments highlighting their level of discomfort regarding the current enforcement proceedings that were ongoing. Permitted Development (PD) rights changes were queried, it was confirmed by officers that PD rights had not had any changes made to them.

As no formal amendment was proposed, the recommendation to approve conditionally subject to a s106 agreement was requested to be put to the vote, upon the vote being taken the recommendation FELL.

Planning Committee - 7.08.24

It was then recommended to members that a deferral would be a preferred decision for officers to enable them to seek further legal advice on the matter as there was no legal representation at the meeting. Officers advised that any refusal reasoning without this consultation could result in members making an unlawful decision.

It was then proposed by Councillor Bower and seconded by Councillor Lury that the application be deferred so officers could obtain further legal advice on what would meet a legal refusal reason.

Upon the vote being taken it was unanimous, those voting for deferral were Councillors Blanchard-Cooper, Bower, Hamilton, Kelly, Lury, McDougal, Northeast, Partridge and Wallsgrove.

The Committee

RESOLVED

That the application be **DEFERRED SO OFFICERS CAN OBTIAN FUTHER LEGAL ADVICE ON WHAT WOULD MEET A LEGAL REFUSAL REASON.**

173. APPEALS LIST

Members noted the Appeals list.

174. NON-MATERIAL AMENDMENTS TO PLANNING PERMISSIONS

The Group Head of Housing presented the report, where he explained that it was considered prudent to update the guidelines to reflect current ways of working and national guidance and legislation. He reminded members that in November 2017, the Committee agreed a set of guidelines around what the Council would and would not accept as Non-Material Amendments (NMA's) to previously granted planning permissions. Officers had been working with this report in coming to decisions on what to accept as an NMA. This approach was required by the National Planning Policy Guidance and S96A of the Town & Country Planning Act 1990 (as amended).

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

As there was unanimous member support for the report the recommendations were put to the vote.

The Committee

RESOLVED

i. That, considering the scale of the development and the context of the site, proposed Non-Material Amendments to 'non-major' (fewer than 10 dwellings and commercial development under 10,000sqm) development will, when considering the context of the site and the scale of proposals, be considered as a Non-Material Amendment if

- They do not materially amend the use or intensity of the original planning permission or would result in a change to the description of the application.
- The application site area (red line) does not differ from the original application.
- A planning obligation on the original permission is not affected.
- Windows are introduced that would not permit harmful overlooking of other properties. Page 109 Agenda Item 13
- The proposal would not result in significant changes to the external details that would materially alter the appearance of the building(s).
- The amendments would not warrant re-consultation either of neighbours, council departments or statutory bodies.
- The proposals do not result in a material increase in height of the building(s).
- The proposals do not result in a material increase in width/length/footprint.
- The development is not sited substantially differently from that previously approved relative to the adjoining buildings/uses.

ii. That, considering the scale of the development and the context of the site, proposed Non-Material Amendments to 'major' development will, when considering the context of the site and the scale of proposals, be considered as a Non-Material Amendment if they

- Do not materially change the overall appearance of the development.
- Do not significantly increase the intensity of development.
- Would result in no significant additional material impact on amenity or infrastructure requirements.
- Would not result in a change in application description.
- Would not require a planning obligation to be amended.

(The meeting concluded at 4.13 pm)