

DEVELOPMENT CONTROL COMMITTEE

24 June 2020 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Oppler (Substitute for Mrs Warr), Mrs Pendleton, Roberts, Tilbrook and Mrs Yeates

62. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Blanchard-Cooper and Mrs Warr.

63. DECLARATIONS OF INTEREST

Planning Application LY/4/20/PL – Councillor Roberts declared a prejudicial and personal interest as he lived in a close by neighbouring property and the proposed barn would be a few hundred metres away. He assessed that a member of the public with a knowledge of the relevant facts would reasonably regard that as to be significant so as to likely prejudice his judgement. He stated that he would therefore take no part in the discussion or remain in the meeting or take part in the vote.

Planning Application BE/109/19/OUT – Councillor Mrs Yeates stated that, following on from comments made at the previous meeting and for clarification and transparency purposes only, she wished to advise that she did not have any interest in the two Bersted items on the agenda. However, as she had declared a personal interest in this application at the previous meeting, she would redeclare that here for consistency.

64. MINUTES

The Minutes of the meetings held on 26 May and 3 June 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

65. BE/109/19/OUT LAND EAST OF SHRIPNEY ROAD & SOUTH OF HADDON HOUSE, SHRIPNEY ROAD, BERSTED PO22 9NW

*(Prior to consideration of this application, Councillor Mrs Yeates redeclared her personal interest and remained in the meeting and took part in the debate and vote)*

BE/109/19/OUT – Outline application with some matters reserved for up to 46 No. dwellings together with access. This application is a Departure from the development Plan & may affect the character and appearance of the Shripney Conservation Area, Land east of Shripney Road & south of Haddan House, Shripney Road, Bersted

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The Committee had received a report on the matter, together with the officer's written report update detailing:-

- Amendment to refusal reason 3
- As no Section 106 Agreement had been signed, two additional reasons for refusal to be agreed
- An update was provided in respect of the two Arun DC Climate Mapping from the Strategic Flood Risk Assessment plans to take account of river and sea defences to mitigate and reduce the risk of flooding.

In considering the matter, both the Planning Team Leader and the Group Head of Planning reminded Members that this application had been voted upon at the previous meeting to not accept the officer recommendation to approve and that Members had voted to refuse the application on the grounds proposed by Councillor Coster. The only matter for discussion was for the Committee to agree the reasons for refusal (as amended above), based on the debate at that meeting. It was therefore stressed that the application itself should not be discussed further or additional issues put forward as reasons for refusal.

Councillor Coster, who had proposed that the application be refused, stated he was happy with the reasons for refusal but asked that reason 1 include reference to Policies TSP1 and TDM1 of the Arun Local Plan and Paragraph 110 and 122 of the NPPF.

In the course of discussion, some Members expressed their concern that the application had been refused as they felt the decision was unsafe and they would therefore be voting against the recommendation to approve the reasons for refusal. A recorded vote was requested.

The Committee

**RESOLVED**

That the reasons for refusal be approved as detailed in the report and the officer report update and subject to inclusion of Policies TSP1 and TDM1 of the Local Plan and Paragraph 110 and 122 of the NPPF in reason 1.

As a recorded vote had been requested, Councillors Bennett, Coster, Mrs Hamilton, Lury, Oppler, Ms Thurston and Mrs Yeates voted FOR (7); Councillors Bower, Charles, Kelly, Mrs Pendleton and Roberts voted AGAINST (5); and Councillors Edwards and Tilbrook ABSTAINED (2).

66. BN/18/20/PL FORMER BROOKS NURSERY, EASTERGATE

Public Speakers: Mr J. Gateley, David Wilson Homes  
Mr B.Barbary, Objector  
Mr J. Donabie, Objector

BN/18/20/PL – Variation of condition 15 imposed under EG/29/13 relating to condition 15 to change the foul drainage scheme from Sewage Treatment Plant to Pumping Station with associated drainage works, Former Brooks Nursery, Eastergate

The Committee received this report and the officer's written report update detailing:-

- Additional objections and the officer's response
- Changes to conditions, i.e. condition 1 deleted; condition 2 to become condition 1 and as amended in the report update; condition 3 to become condition 2

Having presented the detail of the report and in response to the representations from local residents, the Planning Team Leader advised that the points that had been raised reflected existing issues. It was important to note that the applicant had been working with Southern Water with regard to the connection point and Southern Water was ultimately responsible for ensuring that the network would be suitable. In addition, the Environment Agency had raised no objection.

In discussing the matter, Members expressed concerns about the proposal in light of the problems experienced in the area over a long period of time and felt that more detail was required. Southern Water had just started work in the vicinity of the Barnham main road and it was felt it was unclear what effect that would have. It was proposed and duly seconded that the matter should be deferred for further information.

Having listened to the ensuing comments of Members, the Group Head of Planning advised that it appeared that what was being proposed was in fact the need for an alternative scheme to come forward. He advised that Members should be determining what was on the table and, if that was felt to be unacceptable, they should be refusing the application. The application should not be deferred in order for an entirely different scheme to come forward as that should be a new planning application.

However, in the course of further debate, it was felt that information should be required of Southern Water as to whether the scheme could be connected to the Barnham main road sewer once the current repairs being undertaken was completed. There was a reluctance to refuse at this stage. The Committee therefore

RESOLVED

That the application be deferred for further information from Southern Water.

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67. WA/48/19/RES LAND TO THE EAST OF FONTWELL AVENUE, FONTWELL AVENUE, FONTWELL

Public Speaker: Walberton Parish Council, Supporter  
Cllr Dendle, Ward Member, Supporter  
Dandara, Applicant

WA/48/19/RES – Approval of Reserved Matters following outline permission WA/22/15/OUT comprising 400 new homes (incl. affordable), 360sqm of retail space (A1 to A3), 152sqm of community space (D1 to D2 & including retention & refurbishment of 12sqm ‘Old Smithy’), demolition of remaining buildings to Arundel Road along with public open space, LEAP, MUGA, allotments, car & cycle parking, drainage & associated works. This site also lies within the parish of Barnham & Eastergate, Land to the East of Fontwell Avenue, Fontwell Avenue, Fontwell

The Committee received a comprehensive presentation from the Principal Planner on the detail of the application and explained why it was being recommended for refusal for the four reasons outlined in the report.

In response to the representations heard, a Member question was asked that if the application was refused would it mean going back to the beginning, with the potential for costs for the Council and the applicants, and whether, if it was deferred, it could still be refused in the future? The Group Head of Planning advised that there would be costs for the applicant because it would involve either a new or redesigned scheme. From the Council’s perspective, any appeal could be defended so he was quite comfortable with the recommendation in front of Members. He confirmed that if the matter was deferred it could be refused in the future. However, he did point out that officers had spent a lot of time with the applicants and there was still not an acceptable scheme on the table and that a refusal would be the best way forward.

In turning to the debate, Members did express views that the application should not be refused at this time and that the exceptional circumstances of the pandemic had in part contributed to the delays that had been experienced. The Group Head of Planning advised that, if a deferral was the preferred option, then certainly a time limit for the autumn should be set to make it very clear to the applicants that the proposal would be determined at that time.

Having been formally proposed and duly seconded, the Committee

**RESOLVED**

That the application be deferred until the October 2020 meeting pending more work to be undertaken by the applicant on the design of the scheme.

The Chairman then called a short adjournment to the meeting to allow a comfort break.

68. P/40/20/DOC LAND NORTH OF SEFTER ROAD AND 80 ROSE GREEN ROAD, PAGHAM

PA/40/20/DOC – Approval of details reserved by condition imposed under ref P/134/16/OUT relating to Conditions Nos 9 – arboricultural method statement; 15 – ecology; 20 – employment & skills plan; 28 – energy & conservation; 30 – archaeological; 32 – noise; 33 – electric vehicle charging; and 34 – retention of WW2 Infantry section post, Land North of Sefter Road & 80 Rose Green Road, Pagham

Having received a report on the matter, the meeting had been advised that this application had been withdrawn from the agenda.

69. LY/4/20/PL BROOMHURST FARM, LYMINSTER ROAD, LYMINSTER BN17 7QW

Public Speakers: Mr Harriott, Applicant  
Mr Clark, National Farmers' Union, Supporter

*(Prior to consideration of this application, Councillor Roberts had declared a personal/prejudicial interest and was placed in the waiting room and did not take part in the debate and vote.)*

LY/4/20/PL – Erection of steel framed storage barn, Broomhurst Farm, Lyminster Road, Lyminster

Having received a report on the matter and following a brief debate, the Committee

RESOLVED

That the application be approved as detailed in the report.

70. LU/370/19/PL 49 HORSHAM ROAD, LITTLEHAMPTON BN17 6DB

LU/370/19/PL – Demolition of existing outbuilding and stair access to first floor flat. Erection of a rear extension to existing retail unit, creation of new rear stairwell with access to new first floor office and flat, 49 Horsham Road, Littlehampton

Having received a report on the matter and a comprehensive presentation from the Planning Team Leader on the detail of the application, the Committee

RESOLVED

That the application be approved as detailed in the report.

71. FP/258/19/PL 107 FELPHAM WAY, FELPHAM PO22 8QB

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FP/258/19/PL – Conversion, alteration & extension to provide 1 No. Class A1 Shop Unit, 1 No. Flexible Use Commercial Unit Classes A1,A2 and B1, a health centre or clinic (and no other uses within Class D1) or Beauty Therapist/Nail Bar only (sui generis) & 3 No. flats together with secure cycle & refuse storage facilities (resubmission following FP/32/19/PL), 107 Felpham Way, Felpham

Having received a report and a presentation from the Planning Team Leader on the detail of the application, the Committee participated in some debate on the matter.

Whilst acknowledging that the proposal in itself was acceptable, comment was made that the lack of parking within the site was of serious concern as it was disputed that there was adequate on street parking in the immediate vicinity. To park on Felpham Way, with a mini roundabout, pedestrian crossing and entrance and exit to a garage all within very close proximity was felt to be hazardous and dangerous. Poor amenity was also cited as a concern and, whilst that was addressed by the Planning Team Leader, his comments relating to the existing use and parking in comparison to what was being proposed was not sufficiently severe as to warrant refusal of the application did not allay Members concerns regarding parking.

A suggestion was made that could the land at the back of the site not be included within the site to provide parking for the development? Having received confirmation that that land was within the ownership and control of the applicant and shown by the blue edge, it was proposed and duly seconded that the applicant be requested to redesign the scheme to bring that land within the red edge of the application and show how parking and turning could be achieved. If that was agreed with the applicant, the application would then be reconsulted on with the Parish Council, County Council and neighbours. The Planning Team Leader did highlight that the applicant would have the option to not agree to that proposal, in which case the application would be brought back to the next available meeting for determination as it stood.

The Committee therefore

RESOLVED

That the application be deferred to enable adequate parking and turning to be included within the red edge of the site.

72. BE/137/19/RES THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS PO22 9PA

Public Speaker: ECE Planning on behalf of the applicant

*(In consideration of this application, Councillor Mrs Yeates stated that, in her role as Chairman of Bersted Parish Council's Planning Committee at the time, she had previously heard an earlier application in January 2018 which related to this one. She did not think she necessarily had a prejudicial interest due to the time lapse but acknowledged that it could be seen that she had as she had expressed her opinions at*

*that time in relation to the earlier application – she would therefore take no part in the debate or vote on the matter and, as this was a virtual meeting, was subsequently placed in the waiting room whilst it was considered.)*

BE/137/19/RES – Application for approval of phase 2 reserved matters following outline permission BE/63/17/OUT (as amended by BE/131/18/PL) for 20 No. dwellings, The Cottage, Shripney Road, Bognor Regis

The Committee received a comprehensive presentation from the Planning Team Leader on the detail of the report, together with the officer's written report update setting out the following:-

- Additional Parish Council response of objection
- Council's Tree Officer's response and addition of two further conditions
- Council's Drainage Engineer's response
- New/amended conditions – Condition 1 updated to show revised landscape drawings
- Conditions 2 & 3 added in response to Tree Officer's requirement
- Condition 7 added to require future approval of materials as originally omitted

In opening the discussion, the provision of car ports rather than garages was welcomed and it was proposed that a condition should be added to any approval to require the removal of Permitted Development Rights (PDR) to ensure they remained as car ports rather than be converted to garages in the future.

Following Member comment with regard to the design of the development being unsympathetic to the character of the area and drainage concerns, the Planning Team Leader addressed these at the meeting. He also stated that, should Members so wish, Condition 13 could be duly amended to include "no car port attached to a dwelling can be amended or altered in any way", which was formally proposed and seconded.

The Committee turned to the amendment to amend the wording of Condition 10 (as set out in the agenda and prior to addition of conditions detailed in the update report) to not allow changes to car ports and, on being put to the vote, was declared carried. The Committee then

#### RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to amendment of new Condition 13 to include wording to not allow changes to car ports.

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73. LIST OF APPEALS

In receiving and noting the list of appeals that had been received, the Committee was advised by the Group Head of Planning that the appeal on Planning Application BE/69/19/OUT for up to 31 houses at the same site as the last application on the agenda, had been allowed and which followed a previous appeal that had been dismissed.

(The meeting concluded at 5.58 pm)