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DEVELOPMENT CONTROL COMMITTEE

2 December 2020 at 2.30 pm

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

Apologies: None.

336. DECLARATIONS OF INTEREST

Cllr Mrs Yeates made a declaration of predetermination for item 10 [Phase 1, A29 Realignment - ADC Response to WSCC Planning Application WSCC/052/20 (ADC Ref bn/126/20/WS)] based on comments she had made previously.

Cllr Ms Thurston declared a personal interest in item 10 [Phase 1, A29 Realignment - ADC Response to WSCC Planning Application WSCC/052/20 (ADC Ref bn/126/20/WS)] as a member of Barnham and Eastergate Parish Council.

Cllr Edwards declared a personal interest in item 10 [Phase 1, A29 Realignment - ADC Response to WSCC Planning Application WSCC/052/20 (ADC Ref bn/126/20/WS)] as a member of West Sussex of County Council.

337. M/68/20/PL - POULTRY FARM, 87 YAPTON ROAD, MIDDLETON ON SEA PO22 6DY

5 PUBLIC SPEAKERS

Ms Christine Johnson
Mr Tim Keress
Mr Timothy Bell
Mr Nik Smith – Agent
Councillor Hayward – Ward Member

DEMOLITION OF THE EXISTING STRUCTURES & REDEVELOPMENT TO PROVIDE A NEW 66-BEDROOM CARE HOME ARRANGED OVER TWO STOREYS TOGETHER WITH ASSOCIATED ACCESS, CAR & CYCLE PARKING, STRUCTURAL LANDSCAPING & AMENITY SPACE PROVISION (RESUBMISSION FOLLOWING M/80/19/PL). THIS APPLICATION IS IN CIL ZONE 4 (ZERO RATED) AS 'OTHER DEVELOPMENT'. POULTRY FARM, 87 YAPTON ROAD, MIDDLETON-ON-SEA

Councillor Edwards was invited by the Chairman to ask his question prior to the presentation of the item. He asked based on the report update why were the Committee being asked to review this today, given that West Sussex County Council contributions were still being sought and he was unsure how the Committee would be able to come

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to a decision while this was still outstanding. The Director of Place advised that his understanding was the unilaterally undertaking that the Council would normally seek is yet to be finalised. So, his advice was depending on the decision made by Members on this item, it may be a case to include in the recommendation that this unilaterally undertaking is completed before the decision notice was issued. Councillor Edwards was unhappy with this answer as he felt that the Committee should be presented with all the facts prior to making a decision.

The Planning Officer then presented his report to Members where he advised that further information had been received from the Agent in relation to the basement element of the application where he confirmed that the Ground Floor around the site would remain the same and there would be no area dug into, meaning that the overall height of the building would be reduced by lowering the ridge lines. He went on to explain that this application followed application M/80/19 that had been REFUSED and was now under the appeal procedure. He specified that in terms of this application the footprint, layout and number of bedrooms was the same as the previous refused application, the difference was on the north-western corner of the site where a basement was proposed to accommodate a plant room, laundry room, changing room, training room, kitchen and other ancillary rooms. This would allow the roof to be lowered sufficiently so that now the building would be similar to a previously approved application M/45/16PL. In terms of the Ash Trees, like the previously refused application, there is a suitable condition included in the application that meant that the trees would now be protected.

The Chairman then invited the Planning Officer to respond to the comments made by the public speakers. The Chairman then invited the Director of Place back to respond to Councillor Edwards earlier concerns. He referred Members to page 13 of the agenda that detailed the s106 agreement, the update that Councillor Edwards was referring to states simply that should Members decide to support the application, that it would be normal practice for this action to be delegated to the Director of Place to complete.

Members then took part in a full debate on the application where the following concerns were raised.

The first statement made by Councillor Mrs Pendleton who reminded the Committee that each planning application should be reviewed in its own right, and she was concerned at the references made to passed applications. It was also felt that the density was not sympathetic and would compromise the local setting. The 1.8-meter fence with locked gates were felt to be an eyesore. Lighting was believed to contribute to light pollution. Vehicles that would have to wait for a gate to be opened and the risks that would come with this. The detail of the 27 parking spaces that was included in the application as unsuitable. Concern was raised that the application was being built on a flood plain area, however this was confirmed by the Engineering Services Manager to be incorrect. He stated that the Environment Agencies flood risk map and it was not listed as being within flood zone 2 or 3. He also advised that while the ground water was high, the investigations that had been completed and now it was evident that a basement could be suitably constructed so it was water tight.

The Planning Officer then addressed the comment made by Councillor Mrs Pendleton regarding reviewing the application as a standalone. He explained that usually this would be normal practice and she was correct. However, 9 months ago a very similar application was refused by this Committee for specific reasons that had been detailed within the report and he reminded members that consideration should be given to the reasons for refusal should that be the decision made today and that it wouldn't be advisable to consider refusal for any additional reasons other than detailed on the previous application.

In turning back to the debate, the following questions were asked;

- What statistical info has been used in order for them to declare that the project is needed?
- Numerous non compliances with the local plan and the new NPPF
- If the Committee approve this app, what happens to the previous applications at appeal?

The Director of Place was then invited by the Chairman to respond to the questions asked. He firstly reiterated the Planning Officers advice that while Members were correct that usual practice is for applications to be considered in its own right, he agreed with the advice the Officer had given stating again that a similar application was rejected with only two grounds of refusal being sighted. That application had now been considered at appeal and the Council has presented its case only the previous week based on these 2 reasons only. He further stated that at this meeting Members were sighting a larger number of other issues that ultimately were not reasons for refusal when the previous application was in front of the Committee. He advised that as a Committee, members were responsible for the decisions they made, and he urged them to carefully consider if the issues being raised now would justify a refusal. The Planning Officer then referred members to page 9 of the agenda where it set out the need for this proposal.

The Debate resumed and discussion moved to a concern over recommendation no.22. where Members were of the opinion this should state prior to commencement of the works and not prior to occupation of the building. The Planning Officer advised that in relation to the basement and the need for air extraction as the Council was requesting that this work was to be completed prior to occupation, he believed that requesting this to be changed to state prior to commencement of works was not needed. As discussion progressed it was clear that Members were in support of changing the wording to recommendation no.22. As this was largely supported by the Committee the Planning Officer made this update to the recommendation during discussion, prior to the vote being taken.

In addressing final comments that had been raised during the debate the Director of Place stated that if Members were of the view that the changes in the application in front of them had not satisfied their previous reasons for refusal on the previous application then these could be reasons for refusal but they would still need to be justified. Responding to a question raised regarding the costs associated with an application going to appeal and being overturned he explained that costs could be

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awarded against the Council on the grounds of unreasonable behaviour e.g. unable to justify the decision that had been made. He stated that he believed that the costs would be very significant and reminded Members that they needed to act reasonably and consistently.

The Committee

RESOLVED

that the application be approved subject to conditions

338. LU/214/20/PL - EMPTY SUPERMARKET PREMISES, AVON ROAD, LITTLEHAMPTON BN17 6AT

1 Public Speaker

Susie Stephen - Agent

Demolition of existing buildings & redevelopment comprising 37 No. residential units (Class C3) & flexible commercial floorspace (Class A1, A2, A3 and/or D1) together with the provision of car & cycle parking, landscaping & associated works (resubmission following LU/3/19/PL). This application affects the setting of listed buildings & may affect the character & appearance of the East Street, Littlehampton Conservation Area. This application is in CIL Zone 4 (Zero Rated) as 'flats & other development'. Empty Supermarket Premises, Avon Road, Littlehampton

The Planning Officer updated members on the report update that had been circulated prior to the meeting. He first referred Members to recommendation no.22. that had been added relating to submission for fencing and walling details to ensure that the open space is retained as public space. There was also additional illustrative street scene detailing added to be shown to Members later on. A further change to the north-western corner of block one in relation to the concerns made by the Tree Officer, who is now satisfied with the application. A late representation had also been submitted in an attempt to overcome the reasons of refusal for a previous application. The proposal is for the current building to be demolished and replaced with 3 blocks of flats which amounts to a significant reduction in terms of footprint and height. These two changes alone were felt to be more in keeping with the surrounding area. There were some drainage issues with this area being prone to flooding, it was felt that whilst a sequential test had not been submitted and therefore was in breach of the flood risk policy, the opinion was that there were enough mitigating reasons given as to why flooding of the residential units won't take place. The area is located in the heart of Littlehampton Town Centre, an area of economic growth.

Members had a full debate on the application where the following comments were made. Would flint be used on both sides of the development and would it be real flint? It was confirmed by the planning officer that it would be real flint used and both sides of the development were planned for. The parking provision for the number of

flats was believed to be insufficient by some Members, however others made reference to local transport links being in close proximity to the development. Another Member referenced that electric charging points should be considered within the parking provision as it would be mandatory by 2030 that all vehicles are electric. There were also some concerns raised over the use and location of the flexible retail units within the development, however overall Members were supportive of the application.

The Planning Officer advised that the applicants are still working on the legal agreement so Members should consider delegating approval to the Director of Place once this agreement had been received.

The Committee

RESOLVED

that delegated authority be given to the Director of Place to:

- a. Authorise the execution and completion of the Section 106 Agreement;
- b. Grant planning permission subject to conditions and the Section 106 Agreement

The Chairman then called for an adjournment of the meeting at 16:42pm.
The meeting was resumed at 16:52pm.

339. A/76/20/PL - LAND AT DAPPERS LANE, ANGMERING

4 Public Speakers

John Oldfield
Susan Bickell – statement read out by a member of the officer team
Rob Clarke – Applicant
Councillor Mike Clayden – Ward Member

Planning application for 84 No. dwellings, public open space, play areas, associated infrastructure & landscaping. This application affects a Right of Way. Land at Dappers Lane, Angmering.

The Planning Officer presented his report to Members where he advised that this application was the third site in the Angmering North strategic allocation. He explained that they had been working very closely with the Angmering Advisory Group over the last few months. He confirmed that the development complied with the Arun Design Guide. In terms of drainage for the development he explained that there had been a lot of objections from local residents regarding flooding, so a lot of work had been put in to the drainage plans for the area with proposed options including clearing out the ditch on the southern side, a whole new piped link to be fitted through St Margret's primary

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school to Arundel Road. He highlighted to members the 3 possible walking routes for students to get to school safely, he also confirmed that improvements would be made to the footway along Dappers lane to reduce safety risks. He further highlighted that the improvements to the current state of Dappers lane were much needed and made reference to a letter the Chairman had sent to West Sussex County Council on 01/12/2020, raising concerns about the condition of this lane.

The Planning Officer was invited by the chairman to address any comments made by the public speakers. He stated that in terms of the community land trust he confirmed they are on the list, but they do not want all the units they have been offered. In terms of affordable housing 30% provision had been allocated for this. In terms of drainage the conditions are outlined very clearly throughout the report and have been discussed at great length throughout meetings with the advisory groups. The West Sussex County Council, Principal Transport Planner was invited to comment regarding the footway. He stated the reason it was not requested that the application provides the whole length of the foot way was because there is another right of way route and this had been detail within the conditions of the application. He also advised that the main foot way link fell within the land north of Water Lane and therefore until that had been submitted and was available it was not a significant concern for this application.

Members then took part in the debate on the application where there was overall agreement that the improvements that had been made to the application were positive. However, there were concerns still regarding the pedestrian footways for public access. The Planning Officer confirmed that in terms of the footways there was one on the western side that was actually blocked up due to the A27. However, there was an underpass that could be used by pedestrians, cyclists and horse riders, so would not impair access. He explained that he had consulted Highways on this matter, and they had confirmed there were no issues with access. The West Sussex County Council, Principal Transport Planner confirmed that existing surveys showed that approximate 60 vehicles a day ignore the Highway Code in this area, and this had been reported and handed over to the Police for further monitoring and enforcement. This development would increase vehicles by 56 a day which was not considered as a severe increase.

A further concern was raised regarding the drainage pipe as it was believed that most of the water from the area was heading west towards the black ditch, there were concerns that as the village had flooded in the past so if it was being directed towards the black ditch that would be ideal to minimise any future flooding. This was confirmed as correct by the Engineering Services Manager.

The Committee

RESOLVED

that delegated authority be given to the Director of Place (in consultation with the Chairman and Vice Chairman) to:

- a. Authorise the execution and completion of the Section 106 Agreement;
- b. Grant planning permission subject to conditions and the Section 106 Agreement

340. BR/213/20/PL - FORMER ROYAL BAY CARE HOME, 86 ALDWICK ROAD, BOGNOR REGIS PO21 2PE

2 Public Speakers

Ms Sharples – Councillor for Bognor Town Council
Ms Ruth Harding – Agent

Temporary change of use from Care Home (C2) to temporary accommodation for seasonal agricultural workers for 12-month period (re-submission following BR/138/20/PL). This application is in CIL Zone 4 (Zero Rated) as 'other development'. Former Royal Bay Care Home, 86 Aldwick Road, Bognor Regis.

The Planning Officer presented the application to Members he advised that the proposal was for the change of use from a care home to a temporary accommodation for seasonal staff. He referred members to a previous application that had been refused previously advising that the refusal reasons were detailed in the report. He requested that on page 100 of the agenda that this application was for temporary use only. Furthermore, he advised that the need for this proposal was that recently a temporary accommodation site in Chichester, Bracklesham bay had closed increasing the need for accommodation for seasonal workers within the area. He confirmed that transport for the workers would be via the communal bus provided for by the employer, the pickup times are from 6:30am in the mornings and employees have been requested to wait at the inside pickup point so as not to cause any disturbance to neighbours.

The Planning Officer was invited to comment on the points raised by the public speakers, he advised that health can be a material planning consideration, however the pandemic is clearly dealt with by other legislation and therefore should be considered appropriately by Members.

The Members then took part in the debate where the following comments were made:

- The growing need for C2 level care facilities had already been discussed earlier on in the meeting and based on that the discussion how can the Committee approve this application?

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- If the permission was given to approve this temporary license, when it comes up again, would the Committee not be able to reject it on the basis that it had been approved today?
- How would any Complaints be dealt with and if a breach was found who would Police it?

The Planning Officer advised that if any complaints were received, they would be dealt with and investigated. If a breach was found to have been made the Council could issue a breach of conditions. However, he also stated that it would be in the applicant's favour to ensure that their first 12 months were perfect with no issues reported.

The Committee

RESOLVED

That the application be approved subject to conditions

341. PHASE 1 A29 REALIGNMENT - ADC RESPONSE TO WSCC PLANNING APPLICATION WSCC/052/20 (ADC REF BN/126/20/WS)

(Councillor Mrs Yeates left the meeting prior to this item commencing at 17:48)

Land to the North of Eastergate and North-West of Barnham Arun District Council consultation response to WSCC planning application (WSCC/052/20) for Phase 1 A29 re-alignment scheme.

The Senior Planning Officer provided members with a presentation and advised that West Sussex County Council (WSCC) had now submitted their planning applications for the phase 1 of the A29 realignment. The route of phase 1 was agreed when the Local Plan was adopted. He confirmed that the road network would support around 11,400 new homes and 104,000 square meters of commercial development in the Arun District. Once delivered in full the road will provide the much-needed alleviation to congestion in the local road network. The layout of the scheme comprises two access points, one off Fontwell Avenue and the other off Barnham road with the implementation of a new roundabout with 3 access points. It is anticipated that the application for phase two would be received in mid Spring 2021.

The Committee

RESOLVED

That they endorse the Council's response to West Sussex County Council planning application WSCC/052/20 (ADC REF BN/126/20WS)

342. APPEALS

(Councillor Mrs Pendleton left the meeting prior to this item commencing at 17:58)

The Director of Place advised Members that the Council had received one further appeal in relation to land to east of the royal Norfolk hotel a proposal for the erection of 3 terraced buildings. Ultimately the inspector took the view that the proposal would not have an adverse impact on the historic assets and therefore granted the appeal.

The Chairman then thanks the Committee and Officers and wished them a Happy Christmas before bringing the meeting to an end.

(The meeting concluded at 6.05 pm)

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