

SPECIAL DEVELOPMENT CONTROL COMMITTEE

12 February 2014 at 11.30 a.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Bower, Mrs Bowyer, Charles, Evans, Mrs Goad, Haymes, Maconachie, McDougall, Northeast, Mrs Smee (substituting for Councillor Mrs Pendleton), Mrs Stainton and Steward.

[Note: Councillors Mrs Bower, Mrs Smee and Mrs Stainton were absent from the meeting during consideration of the matters referred to in Minute 544 (from Planning Application AL/61/13 (part);

Councillor Mrs Pendleton was present at the meeting from Minute 544, Planning Application AL/61/13 (part) and took no part in the discussion and vote on that application but participated in consideration of the remaining applications.]

542. APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor Mrs Pendleton.

543. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

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Where a Member declares a “Prejudicial Interest” this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Mrs Maconachie declared a personal interest in Agenda Item 5, Planning Application BE/61/13 as she was acquainted with one of the public speakers.

Councillor Haymes declared a person interest in Agenda Item 5, Planning Application Y/87/13, as the applicants had given a presentation to Yapton Parish Council, which he had attended as Chairman of the Parish Council. He stated that he had taken no part in any discussion or decision making.

544. PLANNING APPLICATIONS

AL/39/13 – Outline application for the proposed demolition of Oakdene and all other structures within this site and the erection of a residential development of up to 79 dwellings, public open space, children’s play areas, landscaping, drainage measures and all other associated works (means of access into the site to be considered, appearance, landscaping, layout, scale and access with the site to be reserved) – This is a Departure from the Development Plan, Land West of Westergate Street, East of Hook Lane, Westergate. Having received a report on the matter, together with the officer’s written report update detailing additional letters of objection received, the Committee now received a comprehensive verbal and slide presentation of the proposal. A representative from West Sussex County Highways was also in attendance at the meeting to answer Members’ questions.

The Strategic Development Planner advised the Committee that, at the heart of Government guidance, was a presumption in favour of sustainable development, which meant that, where the development plan was absent, silent or out of date, planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

The 2003 Local Plan Proposals Map identified that the application site was located outside of the existing built-up boundary of Westergate. As such, saved policies GEN2 and GEN3 were relevant. However, and as reflected in a large number of recent appeal decisions, these policies and boundaries should be afforded significantly less weight if the Council was unable to demonstrate that it was able to make adequate provision for housing post 2011. As the Council was not at an advanced stage or at such a substantial stage in publishing its Local Plan, prematurity was not an issue that could apply in this instance.

The Committee heard that the Council marginally demonstrated an adequate supply of housing land at this time but the resultant weight afforded to housing policies was not relevant because the Council had no up to date housing policies for

the period after 2011. In the absence of an agreed future housing strategy, maintenance of an adequate supply of housing land in future years would be exceptionally difficult to maintain. There was considerable concern over future deliverability in the absence of a post 2011 housing strategy because the delivery of agreed strategic sites was now further delayed.

The Strategic Development Planner informed the meeting about issues relating to bus services, community facilities, the footpath network, drainage and highways and acknowledged that the site did not perform exceptionally well in terms of sustainability. However, there were sufficient facilities and services accessible from the application site (following mitigation) to not justify a reason for refusal on those grounds. In addition, it was not considered that the adverse impact on countryside and character was sufficient to outweigh the combined effect of all of the matters that weighed in favour of a recommendation to approve on matters of principle and, on balance, the principle of development was considered to be acceptable by officers.

In conclusion, the Strategic Development Planner stated that, whilst there were many factors that weighed in favour and against the proposals, it remained that the Council did not have a strategy for housing delivery for the period post 2011 and, in the absence of such a strategy, the NPPF (National Planning Policy Framework) would place a strong presumption in favour of the proposals. Therefore, a recommendation of approval had been put forward as it was considered that the negative impacts were not sufficient to justify a refusal which could be sustained at appeal.

The Chairman opened the debate by asking questions of the WSCC Highways representative, Mr Dominic Smith, which related to the relevant footpaths; a requirement for a pavement from the site along Hook Lane; work proposed at the junction of Hook Lane and the A29; and bus lay-bys on the A29. Responses were given at the meeting.

Members participated in a detailed discussion and overwhelmingly voiced their concern about various aspects of the application relating to

- The site being in the countryside.
- It was considered this was overdevelopment.
- Flooding was felt to be an issue and it would affect areas further down the chain.
- The nature of Hook Lane called into question serious safety issues in respect of the increased volume of traffic and pedestrian use of the Lane.
- The demand and need for development of this site was not felt to be justified as the Council had a 5 year Housing Land Supply.
- Mention of the Local Plan was irrelevant as the Council was will working on where strategic sites would be.

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- Concerns were voiced relating to sustainability issues in respect of school numbers as it was felt that it was unacceptable to expect families to travel to other schools in the area as Aldingbourne Primary School would not be able to expand.
- Difficulty with public transport – frequency of buses a concern and Barnham Railway Station too far to walk to. The carbon footprint would be substantially increased.

The Committee felt the proposal would have an adverse impact on the character of the area; was outside the built up area boundary; mitigation measures did not adequately address the unsustainability of the site; and cycling and walking would be unsafe, together with unsuitability of the footpath. As such the Committee did not agree with the officer recommendation to approve and

RESOLVED

That the application for refused for the following reasons:-

1. The application site is located outside of the defined built up area boundary of Westergate which demarcates the edge of the settlement and countryside. The proposal represents a significant encroachment into the countryside resulting in a adverse impact on the character of the area and loss of countryside. The proposal is therefore contrary to policies GEN2 and GEN3 of the Arun District Local Plan and the core principles as set out in paragraph 17 of the National Planning Policy Framework which seeks to protect the countryside.
2. The proposed development is located in an unsustainable location poorly related to existing services and facilities. Even following mitigation, they would therefore not be a sustainable form of development contrary to policies within the NPPF.
3. The applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing. The proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan 2003.
4. The development proposed generates a need for public infrastructure in the form of financial contributions towards play facilities, open space, local highways, strategic highway improvement on the A29, libraries, fire service, pools, halls & pitches and public health facilities. No Section 106 undertaking has been completed in

order to secure these requirements and the development therefore conflicts with policy GEN8 of the Arun District Local Plan 2003.

AL/61/13 – Outline application with some matters reserved for the demolition of existing glasshouses, residential bungalow, stables and various outbuildings and residential development of up to 266 dwellings including 30% affordable housing (incorporating 60 Senior Living units), with associated access, public open space and landscaping. This is a Departure from the Development Plan. Having received a report on the matter, together with the officer's written report update detailing an offer that had been received from the applicant to provide a financial contribution towards strategic infrastructure improvements, the Committee was advised that the recommendation detailed in the agenda to refuse the application had now been changed to one of approval.

The meeting heard that the recommendation for refusal of the application was finely balanced and weighed up the factors for and against the scheme, which had ultimately been determined by the fact that the applicants had not agreed with the Council's requirement to provide a contribution towards strategic infrastructure improvements along the route of the A29. A contribution had now been offered of £5,000 per dwelling towards such infrastructure. Agreement to this contribution was now a matter that weighed in favour of the scheme rather than against it, even though it was still acknowledged that there would be harm to the countryside. The matters that weighed in favour of the scheme now outweighed those against and the application was therefore recommended for approval, subject to the conditions attached to the report update sheet and the signing of the S106 agreement.

The Senior Planner presented the report and advised Members of the detail of the application, together with the fact that no objections to the scheme had been raised by statutory consultees, subject to requested conditions.

With regard to highway matters, lengthy discussions had taken place between County Highways officers and the applicants, which had resulted in a number of further assessments being completed by the applicants and off-site mitigation works being agreed. County Highways were satisfied that the proposal would not have such a severe impact on the highway network as to warrant a refusal on highway grounds. County Highways had also confirmed that the site was in a sustainable location and further improvements to pedestrian and cycle routes would enhance links to services and amenities.

The Senior Planner highlighted that the matters of principle appertaining to this site were the same as those applied for the previous application AL/39/13 and he did not intend repeating these.

The Senior Planner also highlighted the benefits that would result from the scheme, which would see significant improvements to pedestrian and cycle routes

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and the highway infrastructure. Off site infrastructure benefits would include the provision of, for example, a multiuse games area, contributions towards healthcare, primary education, libraries, etc in addition to the strategic highway infrastructure contribution and on site affordable housing and public open space.

The Housing Strategy & Enabling Manager spoke in support of the application as the applicant would be providing 80 affordable homes in accordance with the Council's policy, 60 of those being part of a Senior Living scheme and which would contribute to many of the Council's strategic objectives.

The Chairman then called an adjournment for lunch and to enable Members to read the officer report update. The meeting reconvened at 2.30 p.m.

On reconvening the meeting and as Councillor Mrs Smee had had to leave and Councillor Mrs Pendleton was now in attendance, the Chairman confirmed that Councillor Mrs Pendleton would not take part in the discussion on this matter and would not vote.

Members then participated in debate and expressed concerns about the proposal which related to

- flooding;
- access on to Fontwell Avenue by the War Memorial, which would have a hazardous and adverse effect on the road network
- harmful impact on the countryside;
- overdevelopment and too high a density for the character of the area;
- unsustainability of the site due to lack of facilities within walking distance.

Comment was made that the original recommendation of refusal relating to being outside the defined built up area boundary was still pertinent.

Mr Gledhill from West Sussex County Highways was in attendance at the meeting and answered a question in relation to the upgrading of Nyton Lane. He could see no reason why the applicant could not be asked to do that and for the details to be secured by condition. A further question had been asked in relation to the monitoring and funding of the travel plan and he responded by saying that this was being funded by the developer and WSCC and he did not know who would be doing the monitoring

The Senior Planner responded to Members comments by clarifying that the development would be contained in its entirety within Flood Zone 1; there was sufficient open space and the development was of an appropriate residential density; and that indicative plans were not on the table, only illustrative plans.

However. Members were not minded to accept the amended officer recommendation to approve and cited their concerns in respect of encroachment on the countryside; flooding; unsustainability; high density of the site; and overdevelopment. Comment was made that the original reasons for refusal were still pertinent. Advice was given by the Strategic Development Planner with regard to reasons that could be defended at appeal in the light of expert advice given on this application and planning guidance and the Committee therefore

RESOLVED

That the application be refused for the following reasons:-

1. The application site is located outside of the defined built up area boundary of Westergate which demarcates the edge of the settlement and countryside. The proposal represents a significant encroachment into the countryside resulting in a significant adverse impact on the character of the area and loss of countryside. The proposal is therefore contrary to policies GEN2 and GEN3 of the Arun District Local Plan and the core principles as set out in paragraph 17 of the National Planning Policy Framework which seeks to protect the countryside;
2. the applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing, the proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan 2003.
3. The development proposed generates a need for public infrastructure in the form of financial contributions towards play facilities, local highways, strategic highway improvement on the A29, libraries, fire service, and public health facilities. No Section 106 undertaking has been completed in order to secure these requirements and the development therefore conflicts with policy GEN8 of the Arun District Local Plan 2003.

Change to the order of the Agenda

At the request of the Chairman, the Committee agreed to a change to the order of the agenda to enable the Senior Planner to reload his presentation on to the system.

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BE/105/13 – Outline application for the demolition of existing dwelling and the erection of 25 No. 2, 3 & 4 bed 2 & 3 storey houses & associated works, Land R/O 27 North Bersted Street, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing consultation responses received from Southern Water and Environmental Health with resultant additional condition and informative, the Senior Planner advised the Committee that, as the proposal formed part of Policy Site 6, the principle of development on this site was considered to be acceptable.

The Housing Strategy & Enabling Manager advised the meeting that the proposed 8 affordable housing dwellings met the Council's standards and needs from the Housing Register. The tenure mix of 6 rented and 2 shared ownership homes was considered to be acceptable.

In discussing the matter, concerns were raised that the County Council had raised no objection to the proposal as local knowledge indicated that North Bersted Street was heavily used and therefore access to the site should be through the existing roads of Policy Site 6. Further concerns were also raised relating to over development.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

(Prior to consideration of the following application, Councillors Mrs Maconachie and Maconachie redeclared their personal interest and remained in the meeting and took part in the debate and vote.)

BE/61/13 – Hybrid Application 1. Full planning application for access and road and flood compensation area; 2. Outline applications for 33116 sq m of mixed commercial and industrial uses, comprising A1, A3, A5, B1 B2 and B8, with associated works and landscaping, Oldlands Farm, Steyning Way, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing further consultation responses; additional letter of objection; and conditions on the outline element of the application, the Senior Planner confirmed that the proposal was for a mixed retail and commercial development on land located to the north of Bognor Regis. The site had been allocated for business and commercial use in the 2003 Arun District Local Plan through Policy Site 5 and Site 6 and full planning permission was being sought for a flood compensation area, site access and internal estate road.

The Senior Planner took Members through the full detail of the planning application and highlighted the flood mitigation proposals, road access and internal road layout and, as these were considered to be acceptable, recommended the application for approval.

With regard to the outline application, Members were advised that this was for the principle of mixed commercial and retail uses. The applicants had proposed the retail uses to cross subsidise the infrastructure needed to provide serviced employment land plots, which would help provide sufficient profit to deliver services and infrastructure to cater for approximately 25,000 sqm of B1, B2, and B8 uses. The key issues of concern were (i) compliance with the sites allocation for solely commercial use and (ii) the impact of the proposed development on the vitality of Bognor Regis town centre.

In respect of (i), the report considered the issue in detail and concluded that a pragmatic approach was needed in light of the lack of delivery of employment use on the site and the NPPF's strong support for economic development, together with the Council's clear objective to support jobs, growth and to increase prosperity for the residents of the District.

When assessing the impact of (ii) the applicant's original proposals for A3, A4 and A5 Restaurant, Take Aways and Pub uses, open A1 retail and Bulky Goods A1 retail, it was felt that these would have a significant effect on the town centre. The proposal failed the NPPF's sequential test and had potential to put investment in the Council's town centre regeneration initiatives at risk. However, as a result of this assessment, the applicants had revised their scheme to now propose Sui Generis Car Sales, Bulky Goods Retail and B8 Trade Counters and it was considered that the risk to the town centre was ameliorated and the proposal would not have a detrimental effect in retail terms.

Members fully supported this application and were pleased that the site would open up significant jobs and opportunities for residents of the District. The Committee

RESOLVED

That the application be approved as detailed in the report and officer report update.

Subject to approval at the next Committee meeting

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(Prior to consideration of the following application, Councillor Haymes redeclared his personal interest and remained in the meeting and took part in the debate and vote.)

Y/87/13 – Installation of solar farm comprising erection of solar arrays, Inverters, transformers, equipment housing, security fencing, internal tracks and ancillary equipment. Departure from the Development Plan, Land Southwest of Drove Lane Farm, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(The meeting concluded at 3.38 p.m.)