

SPECIAL DEVELOPMENT CONTROL COMMITTEE

8<sup>th</sup> June 2005 at 12.00 noon

Present : Councillors Mrs Goad (Chairman), Parris (Vice-Chairman), Biss, Bower (substituting for Councillor Mrs Brown), Butler, Mrs Coleman, Dyball, Mrs Hall, Haymes, Mrs Hazlehurst, Hill, Mrs Maconachie and Menzies.

(Note : Councillor Butler was absent from the meeting during consideration of the matters referred to in Minutes 40 to 43 (part).).

Councillor Wingrove was present for part of the meeting.

40. WELCOME

The Chairman welcomed to the meeting Councillor Menzies as a new member of the Committee.

The Chairman also welcomed to the meeting Mr Barratt from West Sussex County Council, who was in attendance to answer Members' questions with regard to highway issues.

41. APOLOGY FOR ABSENCE

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

The Committee was advised that Councillor Scutt had resigned from the Liberal Democrat Group with immediate effect and that, consequently, there was a Liberal Democrat vacancy on the Committee.

42. DECLARATIONS OF INTEREST

There were no declarations of interest made.

43. PLANNING APPLICATION BE/45/04 AND FP/92/04 – LAND AT SITE 6, NORTH BERSTED AND FELPHAM

The Planning Control Manager presented a report to the Committee which requested a resolution from members concerning the Supplementary Proof of Evidence and further information which had been submitted to the Public Inquiry during April 2005. This resolution would then be put forward to the Public Inquiry when it reconvenes on 4<sup>th</sup> July 2005. The report also brought Members up to date on progress in the matter of legal agreements and obligations which would be required in the event of any approval arising from the Public Inquiry. Further reference was made to the officer's written report update which was circulated at the meeting and which detailed 'without prejudice' conditions relating to Application BE/45/04 and FP/92/04. This was referred to at the appropriate place by the Planning Control Manager.

The Planning Control Manager then presented Application FP/92/04, Land at Felpham, and advised Members of the additional information that had been provided by the applicants to resolve the issues relating to the Committee's reasons for refusal of the application in February 2005.

The Committee then participated in a full debate and questions were asked and responded to at the meeting by the Head of Planning Services, the Planning Control Manager and Mr Barratt regarding the various concerns of Members relating in particular to highway issues and the proposed retail units. Officers were requested to look into the matter of the retail viability of the proposed flexible shop units and adjust the existing 'without prejudice' planning condition if necessary.

Following debate, the Committee then agreed recommendations 1 and 2 as detailed at Page 20 of the report and recommendations 4 to 8 at Page 21. Consideration of recommendation 3 was dependant on the outcome of the discussions relating to the Bersted application. In addition, a further recommendation was suggested and agreed regarding the proposed stopped-up part of Hoe Lane as it was felt that the Local Planning Authority should be able to minimise the risk of fly tipping, unauthorised vehicular access, camping and the parking of caravans.

The Planning Control Manager then presented Application BE/45/04, Land at Bersted, and advised Members of the additional information that had been provided by the applicants to resolve the issues relating to the Committee's reasons for refusal of the application in February 2005. As a letter of representation from Bersted Parish Council had only been received on 7<sup>th</sup> June 2005, this was read out at the meeting by the Planning Control Manager

**The Chairman called a 20 minute adjournment to the meeting.**

Following recommencement of the meeting, Members participated in a full debate and questions were asked and responded to by the Head of Planning Services, the Planning Control Manager and Mr Barratt regarding the various concerns of Members relating in particular to highway issues, the proposed football pitches, the Conservation Area and the closing off of Shripney Lane.

Members were given a verbal update regarding the matter of the Committee's Reason 5 for refusal of the application as a result of the recent receipt of the comments of the Council's environmental consultant upon the most recent ecological information. It was recommended that, according to the letter, the information was now considered generally reasonable but that this reason would only be considered to be overcome subject to obtaining the views of Counsel before the resumption of the Public Inquiry.

In considering the recommendations contained within the report, Members did not accept that Reasons 1 and 3 had been overcome as there was still concern regarding the impact of the proposed road on the Conservation Area; Recommendations 9 and 11 were therefore not accepted and, in the light of Members' debate, the Head of Planning Services suggested that officers could advise the Inspector at the Inquiry that the Committee was not satisfied that the investigation of options had adequately addressed the impact on the highway network. However, without the support of the Highway Authority on this point, it could not form part of the Council's reason.

With regard to Reason 5, Members agreed to the Planning Control Manager's verbal advice that "following recent receipt of the comments of the Council's environmental consultant, which stated that the most recent ecological information was now considered generally reasonable, Reason 5 would be overcome subject to obtaining the views of Counsel before the resumption of the Public Inquiry."

Recommendations 10, 12 and the verbal recommendation update 13 were therefore agreed and, in addition, a further recommendation was agreed relating to Members' views that the height of the buildings, stated in metres as contained within the key to the recent drawing FIGURE 4.1, should be deleted from the application.

As Members had expressed serious concerns regarding the proposed highway network at Bersted, it was acknowledged that this now meant that Reason 3 for refusal of the Felpham application had in fact not been overcome and therefore recommendation 3 could not be accepted.

The Committee then

RESOLVED - That

**Felpham Application FP/92/04**

(1) the simplified masterplan is acceptable and overcomes Reason 1, subject to use of planning conditions to tie to the development of the plan in the event of a grant of permission;

(2) the proposed flood basins are acceptable and overcome Reason 2, subject to the use of planning conditions to ensure that they are tied to any grant of permission, their levels are not subsequently changed and that they are subject to long term maintenance;

(3) Reason 3 is not overcome;

(4) it be agreed that :-

(i) the deletion of the bus lane from Upper Bognor Road, the east-bound bus lane along Felpham Way and the avoidance of loss of open space and woodland close to the Hotham Park roundabout, has overcome the concerns which led to Reason 4;

(ii) a financial contribution should be obtained by means of a legal agreement to fund a package of improvements along the A259 corridor and that community consultation should be carried out by the County Highway Authority prior to such improvements;

(5) the proposed footpath/cyclepath layout, including provision of crossings, is now acceptable and that Reason 5 is overcome, subject to the use of planning conditions to tie the plans to any grant of permission;

(6) the proposed provision of 3 flexible shopping units has overcome Reason 6, subject to the use of planning conditions to prescribe the timing of the provision of these units and their size;

(7) the further information and assessment relating to Noise, Air Quality, Water Quality and Lighting is acceptable and that Reason 7 is overcome, subject to a planning condition regarding protection of water resources; and

(8) the further information and assessment relating to ecology/nature conservation is adequate and that Reason 8 is overcome; and

(9) an additional 'without prejudice' planning condition should be suggested to the Local Inquiry Inspector requiring that the detailed layout of the proposed stopped-up part of Hoe Lane should be submitted to the Local Planning Authority for approval, including measures to minimise the risk of fly tipping, vehicular access, camping and the parking of caravans;

**The Bersted Application BE/45/04**

(10) Reason 1 is not overcome;

(11) in the light of the confirmation received from the Water Authority, it is apparent that there would be sufficient sewer to serve the proposed development and that the provision of this capacity is considered acceptable in terms of ecology/nature conservation. Reason 2 is therefore overcome;

(12) the Conservation Area Assessment is adequate for the purposes of this application but the Committee still has concerns regarding the impact of the proposals on the Conservation Area;

(13) the Conservation Area Assessment, including Listed Buildings is adequate for the purposes of this application and that, subject to use of planning conditions regarding the submission of detailed designs under reserved matters applications, Reason 4 is overcome; and

(14) following recent receipt of the comments of the Council's environmental consultant, which states that the most recent ecological information was now considered generally reasonable, Reason 5 would be overcome subject to obtaining the views of Counsel before the resumption of the Public Inquiry; and

(15) the height of buildings stated in metres as contained within the key to the recent drawing FIGURE 4.1 should be deleted from the application.

(The meeting concluded at 3.16 pm)