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**Minutes of a meeting of the
Adur Planning Committee
6 November 2023
at 6.30 pm**

Councillor Carol Albury (Chair)
Councillor Joe Pannell (Vice-Chair)

Councillor Carol O'Neal
Councillor Vee Barton
Councillor Dan Flower
Councillor Jim Funnell

Councillor Gabe Crisp
Councillor Andy McGregor
*Councillor Jeremy Gardner

*Absent

Officers: Planning Services Manager, Senior Lawyer and Democratic Services Officer

ADC-PC/48/23-24 Substitute Members

Councillor Jude Harvey substituted for Councillor Jeremy Gardner.

ADC-PC/49/23-24 Declarations of Interest

There were no declarations of interest.

ADC-PC/50/23-24 Public Question Time

There was one pre-submitted Public Question:

Given significant incidents of flooding (3 in last year) at the junction of Ham Road, Eastern Avenue, junction with A259 at Eastern Avenue/Humphrey's Gap in Shoreham, what do the members and officers assess to be the threat from SURFACE RUNOFF, GROUNDWATER and FOUL WATER to the new developments in that area of Shoreham and will they commission an independent engineering inquiry into this threat prior to granting permission to the next phases of construction on the surrounding sites? I ask this question in the light of the increasing likelihood of extreme weather incidents in the future during the lifetime of these developments and the un-reliability of advice from a discredited Southern Water Company.

The Planning Services Manager replied:

The threat to any new development, be it surface, ground or foul water, is normally assessed at the time the planning application is considered. In the future phasing of those developments all those issues would be considered with the relevant consultees. If it is judged that there is inadequate capacity in existing systems the developer would be expected to make provision for it. Consultation always takes place, not only with Southern Water, but also with the lead local flood authority, which is West Sussex County Council, and with our own engineers internally, although currently we are using independent consultants to assess those planning applications.

There is a considerable amount of consultation but a cause of frustration is at the end of the questions which mentions unreliable advice from a 'discredited Southern Water company'. Generally water companies are not allowed to object to any planning applications, they can only say what the situation is, as per capacity, and then instruct the developers to increase that capacity if necessary. This can be a rather difficult position because residents may think that Southern Water is likely to object to an application when in fact they can't and the planning system doesn't allow for that.

Another difficulty is that an applicant can make a planning application this year and make allowances for a certain amount of infrastructure provision but then we get events such as last week's heavy rain. It depends on the consultee as to whether they can take action about that. The Environment Agency does predict 1 in 50 or 1 in 100 flood events so that aspect should be covered but it can be questionable in terms of whether the infrastructure has been put in adequately initially. We may have instances when we have to check if what a developer has said would be built, has actually been built. Unexpected flooding events can occur after a development has been constructed and the planning system in which we operate will not normally allow objections on that basis.

There was one non-pre-submitted question on behalf of Adur Residents Environmental Action Group:

Adur and Worthing Council are currently consulting on a draft revised joint Statement of Community Involvement which closes on 6th December. The Council wants people to actively engage with the planning process in their areas but unfortunately, so far, this doesn't seem to be working. The consultation principles were set out in 2018, that's 5 years ago, but most local residents appear not to be aware of any development until they see construction starting and by then it is too late. The consultation document is going to be on public view in libraries, the Shoreham Centre and Worthing Town Hall. One of my questions is can hard copies of all major planning applications that come to committee also be available to view in these public places? I was recently at the first day of the Howard Kent appeal where even the Planning Inspector said she had found it hard to read the planning application on line. We need more visibility and more things such as public notice boards because not enough people look at the Council Website or read the local papers. My last point is the accessibility of the Planning Committee meetings themselves. Live audio streaming with no visuals is absolutely hopeless when trying to follow the meeting at home. I would like to ask when the video live streaming will be restored.

The Planning Services Manager replied:

The first question is pertinent to the consultation that is going on now - the Statement of Community Involvement. I would encourage you to submit those comments. It is a draft document and those are perfectly valid points to make and can be taken into account during the consultation exercise. The matter of hard copies being available is difficult as there is a cost involved. The printing that we currently undertake does exceed the printing budget that we have but, regarding the bigger applications with wider public interest, it may well be worth making the point that different arrangements to allow community involvement would be favourable in those cases.

Regarding the video streaming of meetings, with meetings such as tonight's, which has only one planning application on the agenda, I can't see the justification for the extra cost of video streaming. However, we have some quite big developments coming up in the future and this may also be a good point to raise at the consultation. If we are going to fill a meeting room up with people it may be better if they could watch it live by video

streaming? I can understand that, as when I have not been present at a meeting, I listen to the audio livestream and it doesn't really tell you much as to what is going on. I would certainly encourage you to submit that comment to the Statement of Community Involvement as a consultation response so that it can be taken into account.

ADC-PC/51/23-24 Members Questions

There was one pre-submitted Members Question:

What redress do residents have when a new building or development causes unanticipated harmful consequences to their property?

The Planning Services Officer replied:

Concentrating on us as a planning committee, if a resident felt that consideration at the time of a planning application had been inadequate, they have the option to raise a formal complaint which could then reach the ombudsman. If it was found that the Officers and Committee members hadn't taken into account all the relevant points and hadn't investigated them fully then that ombudsman could decide whether there had been any maladministration.

Sometimes unexpected consequences can occur because a development has not been implemented in accordance with the planning permission granted. That situation would warrant an enforcement investigation.

If a resident had suffered financial loss because of a developer's actions then that would be addressed as a civil matter and would be out of the Council's remit.

To recap the two forms of redress as far as Planning Committee are concerned are

- 1. The resident can check that we have done our job properly in terms of considering the application and anticipating possible consequences.*
- 2. The resident can ask us to investigate whether a development has been constructed as anticipated and, if not, to find out why.*

The Member asked a supplementary question:

There may be a situation when outline planning permission had been granted a decade ago and in the intervening period of time other things may have occurred, such as later adjacent developments or climate changes, which results in adverse effects on residents. Is there a process to go back to the original agreement that was given and check that it is still suitable and the provisions that were made and the considerations of the variables are up to date?

The Planning Services Officer replied:

An outline permission would have lapsed within 2 or 3 years if the applicant had not followed up with the more detailed reserved matters. If that doesn't happen the development cannot be implemented.

It is important for us to consider as much as we can about what might happen to affect a development and other residents in the future. This can be difficult because a lot of the time we are subject to the comments of consultees on those matters. It is difficult to anticipate what will happen regarding flooding & drainage as well as traffic and highways in the future. That is why, for example, the Environment Agency in their comments, will predict events using various models of 1 in 100 or 1 in 50 year events. Unforeseen consequences shouldn't occur because they have gone through that modelling. With

Southern Water it is a little different because they will just advise how much capacity is needed. Provided the developer complies with that, Southern Water will have no objections.

It is a wider issue with the planning system as a whole. If we are not directly involved with capacity issues that are at play it is problematic for us to insist we think certain flooding may occur. If we can't prove that case technically then we would have no case at an appeal.

Planning applications are instant and reactive. We receive a planning application and we deal with it immediately. The Local Plan deals with a much longer time frame that will set out development for the next 10 or 15 years. As we are approaching a Local Plan review this may be the most appropriate way, in the first instance, to look at those sorts of issues and try and build them into our Planning Policies. Once you have a Planning Policy in place you can set out certain expectations. My suggestion would be the Local plan review and the local Plan Working Group is the best place to initiate this.

ADC-PC/52/23-24 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on **23 October 2023** be confirmed as a correct record and that they be signed by the Chair.

ADC-PC/53/23-24 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

ADC-PC/54/23-24 Planning Applications

The planning applications were considered, see attached appendix.

The meeting ended at 7.23 pm

Chair

Application Number:	AWDM/1317/23	Recommendation - REFUSE
Site:	1 Hamble Road, Sompting, West Sussex	
Proposal:	Construction of single storey 1 bed accessible dwelling attached to west elevation	
Applicant:	Mr Neil Janner	Ward: Peverel
Agent:	Mr Peter Wilson	
Case Officer:	Hannah Barker	

The Planning Services Manager presented the report, explaining to the Members that the application had previously been considered at a Planning Committee meeting in July 2023 and had been refused. He outlined the minor changes that had been made to the application since that meeting.

Members had questions for the Officer regarding the necessity of the cycle spaces, considering the property was designed for a disabled occupant and also queried if there was an allocated disabled parking space for the dwelling. The Officer clarified that the cycle spaces were a standard requirement and there was no allocated disabled parking space for the property. Members noted that although there was a disabled parking space across the road from the dwelling, this was available for any disabled vehicle and so accessibility remained a concern.

The Officer confirmed for Members that there were other flat roof buildings in the area and the height of the proposed dwelling would be level with the bottom of the first floor windows of the neighbouring two storey property. He also confirmed that the objection that had been reproduced within the agenda was a fresh objection pertaining to this new application.

There was one registered speaker, the applicant, who explained to the committee how he had spent the majority of his working life as an Occupational Therapy Technician, advising disabled people on appropriate adjustments to their properties. Due to this he was acutely aware of the deficit of accessible dwellings for disabled persons and this had led to the application. He also explained that although this development would result in a reduction to the original properties garden, the size of the area remaining would be the same as all other properties in that road.

During debate Members commented that the application must be considered on planning grounds and that overdevelopment and the relationship between the two properties remained an issue.

A Member suggested that the Committee should explore ways to approve the application due to the lack of this type of independent living accommodation for disabled people. The Member considered the benefit of such a property outweighed the harm to the character and appearance of the area. Other Members voiced that

approving this application could set a precedent for over development rather than setting a precedent of creating disabled properties.

Overall, Members considered that the application did not offer enough benefits to mitigate the planning grounds it had been previously refused on and, as it had been rejected for sound planning reasons at the previous Committee meeting, a Member proposed that it be rejected again. This proposal was seconded and voted on with an outcome of eight votes in favour of the proposal and one vote against.

Decision: **REFUSE** for the following reason:-

1. The proposed development in terms of its form, scale and siting would represent overdevelopment with substandard amenity space and unneighbourly impact. It would therefore be detrimental to the visual and residential amenities of the locality. It would set a precedent for further development and the cumulative effect would be harmful to the character and appearance of the area, contrary to Policy 15 of the Adur Local Plan and the NPPF.