

DEVELOPMENT CONTROL COMMITTEE

8<sup>th</sup> September 2011 at 2.30 pm

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

[Note: Councillor Mrs Bowyer was absent from the meeting during consideration of the matters referred to in Minute 263.

Councillors Mrs Brown, R. Brown and Mrs Caffyn were also present during the meeting.

255. WITHDRAWN APPLICATIONS

The Chairman advised the meeting that Planning Applications PA/12/11 and BR/148/11 had been included in the Agenda in error and would not be considered at this meeting.

256. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Hazlehurst and Northeast.

257. DECLARATIONS OF INTEREST

Councillor McDougall declared a personal interest in Agenda Item 9, Planning Application BR/120/11, as a Member of West Sussex County Council, the landowner of the site,

The following Councillors declared a personal interest in Agenda Item 9, Planning Application LU/355/10, for the reasons indicated:-

- Councillors Squires and Charles – members of Littlehampton Town Council.
- Councillor Mrs Bowyer – member of Littlehampton Town Council and the North Littlehampton Steering Group.
- Councillor Bower – Chairman of the North Littlehampton Steering Group.

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258. MINUTES

The Minutes of the meeting held on 10<sup>th</sup> August 2011 were approved as a correct record and signed by the Chairman.

259. PREVIOUSLY DEFERRED APPLICATIONS

*(Prior to consideration of the following application, Councillors Bower Mrs Bowyer, Charles and Squires had declared a personal interest and remained in the meeting and participated in the debate and vote.)*

LU/355/10 – Outline application with some matters reserved for mixed use development comprising up to 600 residential dwellings (including up to 30% affordable housing), up to 4,000 sqm of B1a and B1b employment floorspace, up to 235 sqm of A1/A2/A3 local facilities, structural planting and landscaping, multi functional green infrastructure including sports pitches (and associated changing facilities), informal open space, children's play areas, allotments and surface water attenuation, on-site pedestrian/cycle/bus emergency only access from Courtwick Lane and ancillary works. This application is the subject of an Environmental Impact Assessment and a Departure from the Development Plan, Courtwick Lane, Land South of Railway, Littlehampton

Prior to consideration of this matter, the Chairman read out a statement regarding the membership, role and purpose of the North Littlehampton Steering Group.

In addition to the report circulated in the Agenda, a written report update was circulated at the meeting which detailed additional representations/consultations received.

The meeting was reminded by the Strategic Development Planner (SDP) that, following detailed consideration, this application had been deferred from the meeting on 13<sup>th</sup> September 2011 to carry out consultation on the possible use of Courtwick Lane as a two way unrestricted access/exit point for the development and to also allow consideration of the two planning obligation packages put forward by officers and the applicant and the North Littlehampton Steering Group. It was reiterated that the Committee had resolved to find all other matters acceptable and so the two matters for discussion at this meeting were the Courtwick Lane access and the planning obligations packages.

The SDP advised the Committee that, following consultation on the use of Courtwick Lane as a two way unrestricted access point/exit, it had been

shown that there were no particular advantages or disadvantages in including this in the application, particularly as Courtwick Lane was already included for emergency use only. As there was also significant local opposition to this proposal, it was the view of officers that there was not sufficient justification to amend the application but that the matter was for Members to determine.

With regard to the planning obligation packages put forward for consideration, the SDP highlighted that pages 17 and 18 of the agenda detailed the differences between the two packages, with the North Littlehampton Steering Group removing a number of items in favour of increasing the provision of affordable housing.

The Committee was advised that Mr Matthew Bartle of West Sussex County Council was in attendance to respond to any questions regarding highways issues.

In opening up the debate, a query was raised regarding the previous resolution of the Committee and it was questioned whether the application should be considered in its entirety again. A Member view was expressed that there were a number of grounds on which to refuse the application as it was a departure from the Development Plan; the South East Plan was due to be abolished; the consultation housing numbers were much lower than those detailed in the South East Plan; a single point of access was unacceptable; and the Travel Plan would not achieve anything meaningful. Councillor Charles therefore proposed that the application should be refused.

In responding, the SDP referred to the signed Minutes of 13<sup>th</sup> July 2011 and confirmed that the Committee had already agreed that:-

- There were no sound planning reasons for refusal
- There would be very little chance of success at appeal
- The proposal would satisfy housing need in Littlehampton
- Consideration of the use of Courtwick Lane should take place but the deferral was solely on that matter as all other matters had been accepted
- The application on the table could only consider Courtwick Lane and the outstanding planning obligations

The SDP summarised that the development was required for the period post 2011, when the Council did not at the present time have a Local Plan in place. The housing figures referred to were only a stated preference of the Council at this time as no consultation had as yet been undertaken. Further, the site at Courtwick was included in all of the potential options for the Council to consider regarding development post 2011. Finally, the Committee was advised that the proposed use of Courtwick Lane as an unrestricted access

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was not unacceptable in highways terms – it had not been recommended for inclusion because there were no material benefits for doing so. The issue of acceptability of the proposed access onto the A259 had already been concluded at the previous meeting.

Members participated in further discussion and the following points were raised and responded to, where appropriate, at the meeting:-

- Examples were cited where other Councils had in place policies regarding the number of points of access for developments above a certain size – a response was given that the SDP could not comment on the specifics relating to other Councils' guidance. This Council was required to work within its own policies and guidance in reaching a decision and there was no policy in place regarding points of access. He repeated that the proposed use of Courtwick Lane was not unacceptable in highway terms and was on the table for inclusion as part of the application proposals for Members to consider whether two points of access were required to serve the development.
- The question was asked regarding the chances of winning at appeal should the application be refused on highway grounds – the SDP stated that, in his opinion there would be no prospect of defending an appeal. There was no evidence before the Committee to draw the conclusion that a single point of access was not sufficient and such evidence would be required at the time of reaching a decision in order for it to be justified.
- Comments were made that Courtwick Lane should be used for emergency access only due to the road layout.
- A comment was made that, should the application be refused, then the S106 Agreement would be likely to be less favourable when dealt with at appeal, to the detriment of Littlehampton which had been waiting for a Lyminster By-pass for many years.
- Whilst acknowledging agreements made at the previous meeting, a view was expressed that this was development of a greenfield site and should not be supported, particularly as there were brownfield sites in the District; there was significant local opposition; and insufficient infrastructure, e.g. schools. The SDP responded by stating that there were not adequate brownfield sites to accommodate development requirements in the period post 2011 and there had been much documented evidence prepared by the Council to inform this. Based on the South East Plan requirements, Arun was required to provide over 5,000 dwelling on greenfield sites and Courtwick was included within every option to achieve this.

- Clarification was sought and provided regarding the decision taken by the Committee at the meeting on 13<sup>th</sup> July 2011 and a view expressed that, should the application be refused, this would be contrary to the Council's Constitution and would be certain to be overturned at appeal. A request was made for a recorded vote to be taken to ensure that Members were accountable should the application be refused.
- There was Member acknowledgement that, at the previous meeting, the Committee had accepted that there was no sound planning reason to refuse the application. It was noted that the site had been identified in the SHLAA (Strategic Housing Land Availability Assessment) and that the Council should be grateful that the proposal was limited to 600 dwellings. There was no defence for a highways related reason for refusal and it was therefore felt it would be unwise to seek to refuse the application as the Council would be bound to lose at appeal.
- A comment was made that it was a pity there were no national planning policies that would safeguard farmland.
- Support was expressed by several Members for the Heads of Terms put forward by the North Littlehampton Steering Group

Following further general discussion, advice was sought from the Solicitor as to what Members were being required to vote on. Councillor Charles reminded Members that he had previously proposed that the application be refused, which was now seconded by Councillor Steward. Members queried whether such a proposal could be considered in view of normal practices at the Committee's meetings and, following some discussion, Councillor Charles withdrew his motion. The Solicitor then clarified the position for Members that they needed to vote on:-

- (i) whether to approve the inclusion of Courtwick Lane in the application as unrestricted two way access;
- (ii) whether to approve the application, subject to (i) above; and
- (iii) to agree which planning obligation package to accept, i.e. the officer/developer package or that put forward by the North Littlehampton Steering Group.

Councillor McDougall confirmed his request for a recorded vote on the substantive motion on whether to approve the application.

The Committee then

RESOLVED – That

- (1) Courtwick Lane not be included in the application as a two way unrestricted access;

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(2) the application be approved as set out in the report, with delegated authority being given to the Assistant Director of Planning and Housing Strategy to finalise the Section 106 Agreement in accordance with the indicative Heads of Terms agreed; and

(3) the Section 106 Agreement be completed in accordance with the indicative Heads of Terms put forward by the North Littlehampton Steering Group.

In voting on recommendation (2), a recorded vote had been requested. Those voting for were Councillors Mrs Bower, Mrs Bowyer, Mrs Hall, Haymes, Maconachie, Mrs Maconachie, McDougall and Squires (8). Those voting against were Councillors Bower, Charles, Evans, Mrs Goad, Mrs Harrison, Mrs Stainton and Steward (7). There were no abstentions. The application was therefore APPROVED.

AL/32/11 – Use of land as a private gypsy and traveller caravan site consisting of 4 No. mobile homes (2 of which have extensions) and associated works. This application is a departure from the Development Plan, The Paddock, Northfields Lane, Aldingbourne

Having received a report on the matter, a view was expressed that this development would have a detrimental impact on the immediate neighbour and that a Local Planning Authority had a responsibility to promote peaceful integration with the settled community. It was not felt that, even taking into account the increased distance being proposed to move caravan A from the boundary, this was sufficient to nullify the adverse impact on the neighbour. A further concern was raised that this site was continually the subject of increased development for extra members of the family and, as a result, it was felt that the site had become overpopulated and over developed. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The proposed siting of the fourth mobile home, marked F, and resiting of caravan, marked A, would have an adverse and unacceptable impact on visual amenities and residential amenities of the occupiers of Mount Pleasant Cottage by reason of the 4<sup>th</sup> mobile home's proximity and orientation, contrary to Policy GEN7 of the Arun District Local Plan.

260. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 1 appeal that had been heard.

261. TREE APPLICATION

LU/184/11/T – Crown reduce by 30% and crown lift by 3-4 metres, 2 No. Eucalyptus trees, 70 Bluebell Drive, Littlehampton Having received a report on the matter and advice that this was a staff application, the Committee

RESOLVED

That the application be approved as detailed in the report.

262. PLANNING APPLICATIONS

Y/26/11 – Off road parking for one vehicle and proposed flint wall, 1 Canal Cottages, Main Road, Yapton Having received a report on the matter, together with the officer's written report update detailing receipt of revised plans and subsequent amended condition and a verbal update indicating that a more accurate scaled site layout plan was required and there should be a condition requiring the depth of the car parking area to be no more than 3.6m, Members debated the merits of the proposal on the grounds of its impact on the Conservation Area and highway safety. A request was made for a copy of the amended plan to be forwarded to the Parish Council for information and the Committee then

RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to receipt of a satisfactory site plan and the following additional condition:-

“The maximum distance between the inside edge of the wall running parallel to the road and the south west edge of the highway shall be no more than 3.6 metres.

Reason: In order to strongly persuade drivers of vehicles to park parallel to the road and not to park backing onto the road, in accordance with Policies GEN12 and GEN7 of the Arun District Local Plan.”

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W/7/11 – Proposed demolition of existing conservatory and erection of a new 2 storey rear extension with accessible sub floor space, new front dormer extension to first floor bedroom (resubmission of W/4/11) (This application lies within the South Downs National Park Authority), Nurses Cottage, Warningcamp Lane, Warningcamp Having received a report on the matter, Members expressed a view that this proposal to turn a two bedroom into a three bedroom property was acceptable and therefore did not agree with the officer recommendation to refuse. The Committee

#### RESOLVED

That the application be approved, subject to the following conditions:-

“Condition 1: The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2: The development hereby approved shall be carried out in accordance with the following approved plans:-  
Drawing Nos. 101124.1 and 101124.2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

Condition 3: The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing dwelling.

Reason: In the interests of amenity in accordance with Policies DEV19 and GEN7 of the Arun District Local Plan.

INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010.

#### SUMMARY

This planning permission was granted because, although the development does not comply with Policy DEV19 in that the proposed extension will not be visually subservient towards the existing dwelling due to the resultant increase in size, there are material considerations which indicate it can be granted.

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These material considerations are that the increase in size is relatively modest and the site can comfortably accommodate an increase in the size of the dwelling.

RELEVANT POLICIES

Local Plan: GEN2, GEN7, DEV19

National Policies: PPS1

This is only a summary of reasons for granting to comply with Article 31.

PA/12/11 – Retention of existing caravan permanently on the site. (This application lies within the South Downs National Park Authority), Wychway Farm, Selden Lane, Patching This application had been withdrawn from the Agenda.

P/11/11 – Proposed change of use from shop (A1) to hot food takeaway (A5), 2 The Parade, Pagham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FN/27/11 – Installation of one equipment cabin to replace an existing equipment cabin for the Digital Switchover. (This application lies within the South Downs National Park Authority), Arqiva Transmitting Station, High Salvington Reservoir, West Hill, Findon Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/73/11 – Extension/alteration, 5 Foamcourt Waye, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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*(Prior to consideration of the following application, Councillor McDougall had declared a personal interest and remained in the meeting and took part in the vote.)*

BR/120/11 – Application for Outline Planning Permission with some matters reserved for 2 No. single dwellings on two separate sites on surplus land at The Regis School, Part of Bognor Regis School Grounds, Off West Meads Drive and Pevensey Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

*(Prior to consideration of the following application, Councillor Charles declared a personal interest as a member of one of the Rotary Clubs. He remained in the meeting and took part in the vote.)*

BR/135/11/A – 3 x non-illuminated signs displayed on existing roadside signs depicting the logos and names of the rotary Clubs of Bognor Regis and Bognor Hotham and Bognor Regis Lions Clubs (also within the Parishes of Bersted and Felpham), Existing roadside signs on A259 at Bersted, A259 at Flansham Lane and A29 at A259 Junction, Bognor Regis Having received a report on this matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/148/11 – Application under Regulation 4 of the Town and Country Planning General Regulation 1992 to convert Glenlogie from a House of Multiple Occupancy into 8 self contained apartments with associated external works. Demolition of Wee Glenlogie (also known as 10a and 10b) and the construction of 2 dwellings with parking in the rear garden, Glenlogie and Wee Genlogie, Clarence Road, Bognor Regis This item had been withdrawn from the Agenda.

*(Prior to consideration of the following application, Councillor Evans declared a personal interest as he knew an employee at the site. He remained in the meeting and took part in the vote.)*

AW/166/11 – Covered areas to form outside classroom, sand pit play area and pushchair/bicycle store, 217 Aldwick Road Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

263. PILOT PROJECT – DELEGATION OF DECISION MAKING ON SOME FORMS OF PLANNING APPLICATIONS TO 'QUALITY PARISH COUNCILS'

The Assistant Director of Planning and Housing Strategy presented this report which set out proposals for the establishment of a pilot project to delegate decision making on some forms of planning applications to Quality Parish Councils in support of the tenets of 'Localism'. This was seen as building on the Council's support of the development of neighbourhood planning by Parish Councils, for which grants for funding had already been obtained. It was emphasised that this proposal was limited to household applications, most of which were dealt with at the present time under delegated powers. Littlehampton Town Council would be the subject of this pilot.

The Solicitor advised that, in the context of dual hatted members (i.e. serving as a District and a Town/Parish Council Member) the Code of Conduct would apply at the appropriate level.

In discussing the matter, a concern was raised about the cost of the project and the Assistant Director of Planning and Housing Strategy confirmed that any costs involved would be borne by the pilot authority. It was further highlighted that this was a good way of illustrating to the Parishes the complexities of planning and the issues that had to be taken account of when determining applications.

Whilst some reservations were expressed, it was acknowledged that this was a pilot project and would be closely monitored. The Committee therefore

RECOMMEND TO FULL COUNCIL – That

(1) the Constitution be amended to enable Quality Parish Councils to determine planning matters on behalf of Arun District Council, in accordance with the terms of a required legal agreement under Section 101 of the Local Government Act 1972; and

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(2) authority be delegated to the Assistant Director of Planning and Housing Strategy to prepare and enter into a legal agreement under Section 101 of the Local Government Act 1972 to give effect to (1) above, in consultation with the Chairman of the Development Control Committee and the Portfolio Holder for Planning Services.

(The meeting concluded at 5.40 pm)