

Subject to approval at the next Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

10th November 2010 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Biss, Bower, Mrs Bower, Butler, Evans, Mrs Harrison, Haymes, Mrs Hazlehurst, Mrs Maconachie, Mrs Olliver, Steward and Wiltshire.

[Note: Councillor Bower was absent from the meeting during consideration of the matters referred to in Minutes 431 (from application LU/270/10) to 433.]

Councillors Dingemans and Mrs Smee were also present for part of the meeting.

420. APOLOGY FOR ABSENCE

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

421. DECLARATIONS OF INTEREST

Councillor Biss gave notice of a personal interest in Agenda Item 10, Planning Application CM/16/10, as he was Vice-Chairman of Climping Parish Council.

Councillor Mrs Harrison gave notice of a personal interest in Agenda Item 10, Planning Applications R/198/10 and R/271/10, as the sites were in her ward.

Councillor Wiltshire gave notice of a personal interest in Agenda Item 10, Planning Applications LU/93/10, LU/229/10 and LU/270/10, as a member of Littlehampton Town Council. He also declared a prejudicial interest in Planning Application LU/274/10/CA as he knew the neighbour at Vine Cottage – he stated that he would speak on the matter and then leave the meeting during its consideration.

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422. WITHDRAWN ITEM

The Chairman advised the meeting that Planning Application BR/267/10 had been withdrawn from the Agenda.

423. MINUTES

The Minutes of the meeting held on 14th October 2010 were approved as a correct record and signed by the Chairman.

424. PLANNING UPDATE ON REVOCATION OF REGIONAL STRATEGIES

The Chairman agreed that this matter could be considered as a matter of urgency as Members needed to be apprised of the current situation.

The Assistant Director of Planning and Housing Strategy advised the meeting by way of the following statement of a judgement that had been issued in respect of the revocation of all Regional Strategies:-

“As Members will be aware, the Secretary of State for Communities and Local Government issued a statement in Parliament on 6th July 2010 revoking all regional Strategies. For Arun the relevant document is the 2009 South East Plan (SEP). From this date the Council, as Local Planning Authority, did not have any regard to the SEP in determining planning applications.

However, this morning a judgement was issued by the Honourable Mr Justice Sales in the case of Cala Homes (South) Ltd and the Secretary of State for Communities and Local Government and Winchester City Council which considered whether it was lawful for the Secretary of State to revoke all Regional Strategies in the way he did.

This judgement concluded that it was not lawful because:-

(1) the section used was not intended to frustrate what the legislation was intended to achieve, namely that regional plans should be put in place;

(2) the decision to revoke was not accompanied by at least a screening assessment under the relevant regulations.

The effect of this is that the decision to revoke the SEP has been quashed.

Consequently, from this date until it is lawfully revoked, the Council as Local Planning Authority must have regard to the SEP in determining planning applications. Members are reminded that Section 38(6) of the relevant Act states that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

However, Members also need to be aware that this morning a statement has been released by the Secretary of State to say

“On 27th May 2010, the government wrote to local planning authorities and to the Planning Inspectorate informing them of the Coalition Government’s intention to rapidly abolish regional strategies and setting out its expectation that the letter should be taken into account as a material planning consideration in any decisions they were currently taking. That advice still stands.”

The important point here for Members is that we should first of all consider what the SEP says (if anything) and then give weight to other material considerations such as the Secretary of State’s announcement.

This will remain the position the Council should apply until new legislation is put in place.”

Following a brief question and answer session, the Committee noted the update.

425. BR/174/10 – REAR EXTENSION TO FIRST FLOOR AND NEW SECOND FLOOR UNDER TILED ROOF TO PROVIDE 10 NO. BEDROOMS AND LOUNGE AREAS WIDENED ACCESS, EXTENDED BIN STORAGE AREA AND HARDSTANDING – RESUBMISSION FOLLOWING BR/7/10 – ABBOTS LAWN, SYLVAN WAY, ALDWICK

The Chairman agreed that this matter could be dealt with as a matter of urgency as a planning decision notice had to be issued, which had been delayed due to an administrative error following the meeting held on 14th October 2010.

A report was circulated at the meeting by the Planning Team Leader which set out the detail of additional representations which had been received in respect of this application following the meeting held on 14th October 2010.

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Legal advice had been sought and given and it had been confirmed that this further report could be considered requesting Members to reaffirm its decision to approve. The Planning Team Leader also stated that, in the light of the previous Minute, the Informative at 5 in the recommendation would be amended to reflect South East Plan Policies.

Following consideration, the Committee

RESOLVED

That the decision made on 14th October 2010 to approve the application be confirmed.

426. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL - FG/92/10 – 1 NO. DETACHED 3 BED DWELLING, LAND BETWEEN FLATS 1-4 AND 5-8 FERRINGHAM COURT, FERRINGHAM LANE, FERRING

Having received a report from the Site Inspection Panel, the Committee

RESOLVED

That the application be approved as detailed in the appendix to the report.

427. LU/177/10 – CHANGE OF USE FROM AGRICULTURAL OFFICE TO (D1) NON-RESIDENTIAL EDUCATION AND TRAINING CENTRE WITH ADDITIONAL PARKING AREA AND ACCESS GATE, MEAD VIEW NURSERY, LYMINSTER ROAD, LITTLEHAMPTON

(Prior to consideration of this application, Councillor Wiltshire declared a personal interest as he was Littlehampton Town Council's representative and observer on Homelink. He remained in the meeting and took part in the debate and vote.)

As a result of Members' concerns expressed at the meeting held on 14th October 2010, this application had been deferred for further information to be provided regarding access to the site. A new plan had now been received which illustrated 10 car parking spaces, although it was unlikely that these would all be used at the same time. The Planning Team Leader emphasised that all Members were being requested to consider by way of this application was the change of use of the office for training purposes as the nursery and access to the site were already in existence.

Following discussion, the Committee

RESOLVED

That the application be approved as detailed in the appendix to the report.

428. Y/54/10 – INTERNAL ALTERATIONS AND SUBDIVISION OF EXISTING BARN TO CONVERT FROM D1 USE TO TWO SELF-CONTAINED RESIDENTIAL UNITS, OLD BARN HOUSE, HOE LANE, FLANSHAM, BOGNOR REGIS

Following the meeting held on 14th October 2010, the Committee had indicated that it would be minded to approve the application but wished to be provided with detailed plans to assess the amenity space and car parking provision. These plans had now been received and, following consideration of the new report, Members

RESOLVED

That the application be approved as detailed in the report, subject to inclusion of the relevant South East Plan Policies.

429. BE/122/08 – PROPOSED SUPERSTORE, LAND AT LEC, SHRIPNEY ROAD, BOGNOR REGIS

The Committee received and noted an information report from the Strategic Development Planner which detailed the main issues considered by the Secretary of State in permitting the proposal for the demolition of the existing buildings and erection of a Class A1 superstore with associated landscaping, petrol filling station, car wash and jet wash and creation of a new access from the A29 and internal estate roads, together with replacement car dealership facility fronting Shripney Road.

430. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 7 appeals that had been heard.

431. PLANNING APPLICATIONS

In the light of the update that had been given by the Assistant Director of Planning and Housing Strategy at the beginning of the meeting, the Head of Development Control advised the Committee that reference would be made in the decision notices to any relevant South East Plan Policies applicable to each application approved.

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Y/45/10 – Internal alterations to layout of dwelling. Single storey extension and attached garage. 3 No. roof lights, Bonhams, Hoe Lane, Flansham, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Y/46/10/L – Applications for Listed Building Consent for various alterations and extension to property, Bonhams, Hoe Lane, Flansham, 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 Bower declared a personal interest as Chairman of the LEADER Action Group, to which an application for funding had been made in support of the project.

Councillor Dingemans spoke to the item as Ward Member.)

SL/15/10 – Change of use and extension of forge to provide shop, café and information centre (community project), Slindon Forge, Reynolds Lane, Slindon Having received a report on the matter, together with the officer's verbal update regarding a further letter of support received, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/198/10 – Removal of existing porch and detached garage. Construction of new two storey extension and single storey garage, 1 The Crescent, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/217/10 – Extension/alteration, 57 North Lane, Rustington Having received a report on the matter, together with the officer's written report update detailing additional representations received, a request for a site visit was made but, on being duly seconded and put to the vote, was not agreed to by the Committee. In discussing the item, a view was expressed that there

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were degrees of obscurity and it was therefore felt that this should be addressed in the conditions to ensure no overlooking of the neighbouring property could take place. The Committee

RESOLVED

That the application be approved as detailed in the report, subject to amendment of Conditions 4 and 5 to read:-

“Condition 4: The dormer windows hereby approved on the northern roof slope shall at all times be glazed with obscured glass and the habitable roof space formed shall not be occupied until a sample of the obscure glass has been submitted and approved by the Local Planning Authority. The glass thereby approved shall be used in the construction of the dormer windows before occupation of the rooms and glazing of a less obscure nature shall not be installed unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Policies GEN7, DEV19 of the Arun District Local Plan.

Condition 5: The windows at 1st floor level on the southern elevation of the extension hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening. The rooms which these windows serve shall not be occupied until a sample of the obscure glass has been submitted to and approved by the Local Planning Authority. The glass thereby approved shall be used in the construction of the dormer windows before occupation of the rooms and glazing of a less obscure nature shall not be installed unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenities and privacy of the adjoining property in accordance with Policies GEN7, DEV19 of the Arun District Local Plan.”

M/71/10 – First floor balcony to rear, Driftwood, Manor Way, Elmer, Bognor Regis Having received a report on the matter, together with the officer’s written report update detailing additional representations received, the Committee

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RESOLVED

That the application be approved as detailed in the report.

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

LU/93/10 – Demolition of public house and erection of 12 No. affordable dwellings, 2 & 2 ½ storey, with new access road, parking area and landscaping, Wickbourne Swan, Clun Road, Littlehampton Having received an amended report on the matter as the version in the agenda was incorrect, together with the officer's written report update detailing additional representations received and verbal advice that the applicant was in fact providing 3 additional car parking spaces, i.e. 15 rather than the 12 detailed in the report, and that the Section 106 signed unilateral agreement had been submitted, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

LU/229/10 – Outline application for redevelopment of site: Demolition of 2 bungalows, workshop, glasshouses and incidental development with erection of 91 dwellings with improved means of access onto Worthing Road (including closure of existing 2 accesses) with all other matters reserved, Windroos Nursery, Worthing Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing additional consultation responses and a further letter of objection, Members expressed serious concern about the proposed access and egress to and from the site onto the A259, particularly with its proximity to the Body Shop roundabout, and the lack of linkage between this site and the remainder of Policy Site 7. Members were reminded that County Highways had raised no objection to the proposal and that a refusal on highway grounds would be difficult to defend at appeal.

However, some Members were of the view that the highway issues were of sufficient concern to warrant seeking advice from an independent traffic consultant. It was therefore proposed and duly seconded that the application be deferred. A question was asked regarding the impact of a deferral on non-determination and a response given that the 13 week period

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would be up, thus giving the applicant an opportunity to appeal against non-determination or they could await the decision of the Committee – it would be their choice. The Committee

RESOLVED

That the application be deferred to enable an independent traffic consultant to give advice on the matter.

The Chairman then called an adjournment to the meeting.

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

LU/270/10 – Change of use of a section of St Martins Car Park to use as a market (A1), St Martins Car Park, St Martins Road, Littlehampton 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 Wiltshire had declared a prejudicial interest. He spoke to the item and then left the meeting and took no part in the debate or vote.)

LU/274/10/CA – Demolition of existing front boundary wall to East Street in accordance with planning permission LU/364/09, 10 East Street, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FN/55/10 – Conversion and extension of detached dwelling house to provide 3 No. 2 bedroom and 2 No. 3 bedroom apartments together with associated parking (resubmission of FN/18/10), Braeside, Stable Lane, Findon Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

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FN/58/10 – One No. 3 bedroom residential dwelling with double garage and formation of new junction with highway, Land at Paddock Way and Nepcote Lane, Findon Having received a report on the matter, together with the officer's written report update detailing additional representations received and amendments to the report, the Committee

RESOLVED

That the application be refused as detailed in the report.

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

CM/16/10 – Construction of electric kart track and provision of parking for 12 cars (resubmission following CM/289/09). This application is a departure from the Development Plan, Land between entry/exit roads of Rudford Industrial Estate, Church Lane, Ford Having received a report on the matter, a query was raised as to what would happen to the land should the proposed use cease. It was agreed that any approval would have an additional condition to ensure the land was restored to its former condition within 6 months of its use ceasing. The Committee then

RESOLVED

That the application be approved as detailed in the report, subject to the addition of the following condition:

“Condition 9: The track, pit area and car parking hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning authority, on or before the expiration of the period ending 6 months after the use of the land hereby approved ceases.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing, it is considered reasonable to make an exception in this instance. However, if the use ceases the works undertaken to implement this permission should be removed to preserve the character of the area.”

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BR/267/10 – Construction of two-storey building comprising 2 x 1 bedroom flats (revisions to recent approval of BR/184/10), 70 Ockley Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the meeting had been advised that this application had been withdrawn from the agenda.

BR/276/10 – Loft conversion to form residential unit ancillary to the use of No. 6 Ivydale Road (resubmission of BR/127/10), 6 Ivydale 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 this application, Councillor Mrs Smee spoke as Ward Member.)

BE/96/10 – Proposed redevelopment of part of the site with mixed development comprising replacement (A1) retail garden and aquatic centre, 6 No. 2 bed bungalows, 5 No. 3 bed houses and 2 No. 4 bed houses (this application is a departure from the Development Plan), Chalcraft Nurseries & Garden Centre, Chalcraft Lane, Bognor Regis Having received a report on the matter, together with the officer's verbal advice that, in the light of the judgement outlined to Members at the beginning of the meeting, the agent had requested a deferral of the matter as it was felt this could impact on the Committee's deliberations. However, although the South East Plan was back in place, it was felt the relevant policies had been considered by the Appeal Inspector on a previous application, together with the District's 5 year housing land supply deficit, and that appeal had still been dismissed. The Committee therefore agreed to consider the application as it stood and giving due consideration to the relevant South East Plan Policies.

It was felt that this proposal would have a detrimental impact on the countryside and the Committee

RESOLVED

That the application be refused as detailed in the report.

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AW/178/10 – Demolition of existing dwelling, erection of three storey building to contain 7 flats, 2 x 1 bedroom, 5 x 2 bedroom units with associated parking and bin store (resubmission of AW/242/09), 115 Aldwick Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

432. EXEMPT INFORMATION

The Cabinet

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

433. ENFORCEMENT MATTERS (Exempt – Paragraph 5 – Information relating to Legal Proceedings)

CIC/Y/21/07 – Alleged unauthorised breach of conditions relating to Y/33/08, Land adjacent Little Meadow, Bilsham Road, Yapton Having received a report on the matter, the Committee

RESOLVED

That no further enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to the local amenity. The failure to comply with the terms of the Breach of Condition Notice will be revealed on CON/29/R when a Local Land Charges search is undertaken.

ENF/201/10 – Alleged unauthorised roof terrace, 27 Lennox Street, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the

absence of harm to the local amenity. The development does not have the benefit of planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

ENF/392/10 – Alleged unauthorised non-compliance with R/162/04, 70 Worthing Road, Rustington Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to the local amenity. The development does not have the benefit of planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

ENF/419/10 – Alleged unauthorised shed, 38 River road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to the local amenity. The development does not have the benefit of planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

ENF/551/09 – Alleged unauthorised conversion, 23 High Street, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to the local amenity. The additional flat does not have the benefit of planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

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ENF/554/08 – Alleged unauthorised wall at front of property, 22 The Hooe, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to the local amenity. The development does not have the benefit of planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

ENF/98/09 – Alleged unauthorised non compliance with conditions BE/92/08, Elbridge Farm, Chichester Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to the local amenity. The development does not have the benefit of planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

(The meeting concluded at 6.25 p.m.)