

DEVELOPMENT CONTROL COMMITTEE

7<sup>th</sup> October 2009 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Biss, Bower, Butler, Evans, Gammon, Mrs Harrison, Haymes, Mrs Kerley (substituting for Councillor Oliver-Redgate), Mrs Maconachie, Mrs Olliver, Mrs Stainton, Steward and Wiltshire.

[Note: Councillor Mrs Olliver was absent from the meeting during consideration of the matters referred to in Minutes 380 (from Application FG/84/09 (part)) to 382.]

370. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Oliver-Redgate.

371. DECLARATIONS OF INTEREST

Councillor Biss gave notice of a prejudicial interest in Agenda Item 11, Planning Application LU/227/09/TEL, for the avoidance of bias as he had previously expressed an opinion with regard to mobile phones. He stated he would not speak to the item and would leave the meeting during its consideration. He also gave notice of a personal interest in Agenda Item 7, Planning Applications BE/121/08 and BE/122/08 as a member of the Bognor Regis Regeneration Subcommittee.

Councillor Bower gave notice of a personal interest in Agenda Item 7, Planning Applications BE/121/08 and BE/122/08 as a member of the Bognor Regis Regeneration Subcommittee.

Councillor Gammon gave notice of a prejudicial interest in Agenda Item 11, Planning Application LU/227/TEL, as he lived in close proximity to the site and was known to the freeholder of Kingmere. He stated that he would not speak to the item and would leave the meeting during its consideration.

372. MINUTES

The Minutes of the meeting held on 9<sup>th</sup> September 2009 were approved as a correct record and signed by the Chairman.

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373. BR/88/09 – APPLICATION FOR DEMOLITION OF EXISTING STORE AND MULTISTOREY CAR PARK, GARAGES TO REAR OF QUEENSWAY AND BUILDINGS 60-64. ERECTION OF NEW SUPERMARKET, RETAIL UNITS, CAR PARKING AND DECK CAR PARKING WITH ASSOCIATED TROLLEY BAYS AND CYCLE PROVISION, WM MORRISON SUPERMARKETS, 30 BEDFORD STREET, BOGNOR REGIS

The Strategic Development Planner presented a report which informed Members on the latest situation with regard to an application that had been submitted by Wm Morrison Supermarkets to redevelop its Bognor Regis Town Centre site with a new store and decked car park. The Committee was requested to endorse the officers' view that the proposal should be supported but that further negotiations should be undertaken with regard to the provision of adequate public car parking. This could be achieved, for example, by increasing the number of car parking decks. However, the matter could not be dealt with under the present planning application as it would be considered to be significantly different and would need to be assessed in its own right and would, consequently, require a new planning application.

Advice was given at the meeting that the applicant had confirmed that any new car park would be available for all and not just store customers as stated in the report.

Following consideration, the Committee

RESOLVED

That the officers' opinion be endorsed that the redevelopment of the Morrison's store is to be welcomed and encouraged in principle, but that officers be authorised to negotiate changes with the applicant to mitigate the loss of public car parking which is proposed in the current scheme.

374. BE/121/08 – OUTLINE APPLICATION FOR EXTERNAL ALTERATIONS TO RETAINED WIDDOWSON BUILDING, ERECTION OF CLASS B1 UNIT, DEMOLITION OF EXISTING STRUCTURES, SITE PREPARATION WORKS AND LAYING OUT OF NEW ACCESS ROAD FROM A29, INTERNAL SITE ACCESS, REROUTED FOOTPATH, PARKING, SERVICE YARDS AND LANDSCAPING, PART OF LEC REFRIGERATION SITE, SHRIPNEY ROAD, BOGNOR REGIS

The Committee considered a comprehensive report from the Strategic Development Planner which set out the detail of an outline application to

redevelop part of the disused Lec Refrigeration site at Shripney Road, Bognor Regis. Following consideration Members

RESOLVED

That the application be approved as detailed in the report.

375. BE/122/08 – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF CLASS A1 SUPERSTORE WITH ASSOCIATED CAR PARKING, LANDSCAPING, PETROL FILLING STATION, CAR WASH AND JET WASH AND CREATION OF NEW ACCESS FROM A29 AND INTERNAL ESTATE ROADS TOGETHER WITH REPLACEMENT CAR DEALERSHIP FACILITY FRONTING SHRIPNEY ROAD, LEC REFRIGERATION LTD, SHRIPNEY ROAD, BOGNOR REGIS

The Committee considered a report from the Strategic Development Planner, together with the officer's written report update detailing late considerations in respect of :-

- No objection from the District Council's Engineer in respect of the SUDS scheme
- Detail of Head of Terms omitted from the Section 106 Agreement
- Comment from the Council's Regeneration Consultant relating to imposition of a condition with regard to limiting both comparison and convenience floor space
- Letter from Morrisons detailing their objection to the proposal and requesting deferral of the application
- A Directive to the Council from the Government Office for the South East (GOSE) to not grant planning permission on the application without specific authorisation. The Direction was issued to enable the Secretary of State to consider whether or not, under Section 77 of the Town and Country Planning Act 1990, he should direct that the application be referred to him for determination.

Members were advised that, whilst the Council's retail and regeneration consultants were of the view that this proposal would detrimentally impact on the viability and vitality of the town centre, it was the view of officers that other material considerations must be given due weight in that this was a highly contaminated brownfield site; a visually significant gateway into the town; and that the regeneration benefits would be considerable. A balanced decision would have to be made as to whether regeneration of the site was more important than the impact on the town centre.

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With regard to a request from Morrisons that this application should be deferred and dealt with at the same time as its own proposal in the town centre, officers felt that there was no reason why this application should not be considered on its own merits, today.

Members participated in a discussion which highlighted that this site was considered to be extremely important and needed to be regenerated from its current derelict state. It was accepted that the development of a superstore would generate sufficient funds to assist in the decontamination of the land and, further, it must be noted that this had been the only proposal to come forward and, without it, the site could remain derelict for many more years to come.

Views were expressed that when the already approved Policy Site 6 housing developments were completed, there would be sufficient customers for all the stores and that the town centre supermarket would not be unduly disadvantaged. It was felt that the proposal would not seriously impact on the vitality and viability of the town centre.

Prior to the vote, the Committee was reminded that, should it resolve to grant planning permission and the Section 106 Agreement was subsequently signed, the decision could not be issued without clearance from GOSE.

The Committee

**RESOLVED**

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

“There shall be no more than 3,850 sq.m. of the floor space used for convenience goods and no more than 1,768 sq.m. for comparison goods.

Reason: In order to avoid the potential of even further harm to the vitality or viability of the town centre in accordance with PPS6 Planning for Town Centres.”

376. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – FP/91/09 – LOFT CONVERSION ALTERATIONS TO FORM A PAIR OF LINKED HOMES FOR ADULTS WITH LEARNING DIFFICULTIES, 50 & 52 FELPHAM WAY, BOGNOR REGIS

Having received a report on the matter, together with the officer's written report update detailing an additional letter of objection received, the Committee

RESOLVED

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

377. REPORT OF THE MEETING OF THE POST SITE INSPECTION PANEL – P/64/09 – REPLACEMENT OF EXISTING SUB STANDARD BUNGALOW, 74 HARBOUR ROAD, PAGHAM

Having received a report on the matter, together with the officer's written report update detailing additional objections received and representation from the applicant and a verbal update on a further objection received, the Committee

RESOLVED

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

378. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 3 appeals that had been heard.

The Committee was verbally advised of a correction to the appeal in respect of LU/236/08, Construction of 8 bedroom 'Boat House Hotel' at Littlehampton Marina, Ferry Road, in that, under Comment at the end of the report, the Inspector considered that the principle of a hotel use on the site was **acceptable**.

379. TREE APPLICATION

FG/103/09/T – Fell 1 No. Holm Oak & replace with 1 No. Holm Oak approx 3-4m tall, 50 Ferring Street, Ferring Having received a report on the matter, together with the officer's verbal update on two additional letters of

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objection, a request was made that the application be deferred for further information to be obtained on the health of the tree. However, the Committee did not support this course of action and, following discussion

RESOLVED

That the application be approved as detailed in the report.

380. PLANNING APPLICATIONS

R/132/09 – New 2 bedroom bungalow – part of land at 1 Woodlands Avenue, Rustington Having received a report on the matter, together with the officer's written update report detailing an additional condition in line with recently introduced Government legislation relating to plans, the Committee

RESOLVED

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

R/163/09 – Loft conversion and rear extension (resubmission following R/91/09), 6 Central Avenue, Rustington Having received a report on the matter, together with the officer's written report update detailing an additional condition in line with recently introduced Government legislation relating to plans and deletion of Condition 2 within the recommendation, the Committee

RESOLVED

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

P/80/09 – Application under Regulation 3 of the Town and Country Planning General Regulation 1992 for the placement of natural beach material on the existing beach area adjacent to the sailing club, the material to be recovered from the inter-tidal area of the spit south of the Pagham Harbour entrance for stage 1 and from an offshore licensed dredging area for stage 2, Section of Beach at Pagham Having received a report on the matter, together with the officer's written report update detailing additional representations received and an additional condition in line with recently introduced Government legislation relating to plans, the Committee

RESOLVED

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That the application be approved as detailed in the report, subject to a satisfactory response being received from the Government Office for the South East (GOSE).

*(Prior to consideration of the following application, Councillors Biss and Gammon had declared a prejudicial interest and left the meeting and took no part in the debate or vote.)*

LU/227/09/TEL – Replacement of 3 existing cabinets with 3 new cabinets and one additional cabinet, new steel support grillage and 6 replacement antennas, Kingmere (rooftop), Granville Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a consultation response from Littlehampton Town Council and a verbal observation from a Member that the site fronted Irvine Road rather than Selbourne Road, the Committee

RESOLVED

That no objection be raised to the application.

FG/84/09 – Foaling unit, livery stables, Hangleton Farm Equestrian Centre, Hangleton Lane, Ferring Having received a report on the matter, together with the officer's written report update detailing an additional condition in line with recently introduced Government legislation relating to plans; further information received; and an Informative requested by the Environment Agency, a strong view was expressed that the site was the subject of enforcement action and the proposal itself was out of character and detrimental to the visual amenity of the area and, as such, should be refused. However, following further discussion and advice from the Planning Team Leader, the Committee did not agree with this view and

RESOLVED

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

FG/86/09 – Demolition of existing dwelling and erection of 4 No. chalet bungalows with access from Beehive Lane, 1 Beehive Lane, Ferring Having received a report on the matter, together with the officer's written report update detailing an additional condition in line with recently introduced Government legislation relating to plans and deletion of a condition relating to disposal of customer waste, the Committee

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RESOLVED

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

BE/74/09 – Outline application with all matters reserved for erection of 6 No. 3 bedroom and 3 No. 2 bedroom houses, Richmond Lodge, Shripney Road, Bognor Regis Having received a report on the matter, Members welcomed this proposal for houses rather than the flats as previously approved. The Committee

RESOLVED

That the application be approved as detailed in the report.

BE/121/08 – Outline application for external alterations to retained Widdowson building, erection of class B1 unit, demolition of existing structures, site preparation works and laying out of new access road from A29, internal site access, re-routed footpath, parking, service yards and landscaping, Part of former Lec Refrigeration site, Shripney Road, Bognor Regis This item was dealt with under Minute 374.

Demolition of existing buildings and erection of Class A1 superstore with associated car parking, landscaping, petrol filling station, car wash and jet wash and creation of new access from A29 and internal estate roads, together with replacement car dealership facility fronting Shripney Road, Lec Refrigeration Ltd, Shripney Road, Bognor Regis This item was dealt with under Minute 375.

A/78/09 – Terrace of 4 No. 2 bed houses – resubmission following A/75/08, 101 Lloyd Goring Close & land to rear of 7-15 Lansdowne Way, Angmering Having received a report on the matter, together with the officer's written report update detailing an additional condition in line with recently introduced Government legislation relating to plans, a request was made for a site visit to take place to assess the amenity space and whether the proposal would have an unneighbourly impact on nearby residential properties. The Committee therefore

RESOLVED

That the application be deferred to enable the Site Inspection Panel to visit the site.



AW/141/09 – Side extension to form annexe; rear dormer; single garage, 1 Blenheim Court, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional condition in line with recently introduced Government legislation relating to plans and a further condition stating that the annex permitted shall only be used in connection with the existing dwelling and shall not be used as a separate unit of accommodation, the Committee

RESOLVED

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

AW/145/09 – Application under Regulation 3 of the Town and Country Planning General Regulation 1992 for extension to existing 300mm diameter surface water outfall pipe, Foreshore South of 60 The Drive, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional condition in line with recently introduced Government legislation relating to plans, the Committee

RESOLVED

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

381. PROPOSED COMPLIANCE STRATEGY

The Compliance Team Leader presented a report which detailed the responses received in respect of the consultation exercise undertaken with Town/Parish Councils with regard to the adoption of a Compliance (Enforcement Strategy) on the part of the Council.

Following consideration, the Committee

RESOLVED

That the Compliance Strategy be adopted, subject to agreement of the Governance Committee to amend the Scheme of Delegation in respect of Policy 5 of the Strategy; and

RECOMMEND TO THE GOVERNANCE COMMITTEE

That the Scheme of Delegation be amended to reflect Policy 5.

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382. EXEMPT BUSINESS

The Committee

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 item of business on the grounds that it involves 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 item.

384. ENFORCEMENT MATTERS (Exempt – Paragraph 5 – Legal Proceedings)

CIC/P/4/03 – Alleged unauthorised storage of cars, 28 Harbour Road, Paghham Having received a report on the matter, the Committee

RESOLVED

That authorisation be given to commence legal proceedings under Section S187B of the Town and Country Planning Act 1990 in respect of the breach of the injunction.

ENF/379/09 – Alleged unauthorised work to tree, 147 Orchard Way, Bersted 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 local amenity. The works to the tree have not affected its appearance in the street scene. Further, after the works, the tree still retains its core crown shape.

(The meeting concluded at 6.05 p.m.)