

Subject to approval at the next Committee meeting

175

DEVELOPMENT CONTROL COMMITTEE

12th August 2009 at 2.30 p.m.

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

[Note: The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Biss, Minutes 262 to 264; Councillor Evans, Minutes 261 (part – during Application BE/47/09) to 264; Councillor Oliver-Redgate, Minutes 262 to 264; Councillor Mrs Olliver, Minute 264 (part); and Councillor Mrs Stainton, Minutes 261 (part – from Application BN/10/09).]

Councillors Chapman, Elkins and Mrs Smee were also in attendance for part of the meeting.

256. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Butler and Steward.

257. DECLARATIONS OF INTEREST

Councillor Bower gave notice of a personal interest in Agenda Item 9, Planning Application EP/64/09 as the site was within the estate where he resided and he was also a member of the Estate Association.

Councillor Evans gave notice of a personal interest in Agenda Item 9, Planning Application BE/47/09, as he was a regular customer of two of the businesses at the site.

Councillor Wiltshire gave notice of a personal interest in Agenda Item 9, Planning Application LU/88/09, as Chairman of the Littlehampton Town Council Planning Committee.

Development Control
Committee – 12.08.09.

258. MINUTES

The Minutes of the meeting held on 15th July 2009 were approved as a correct record and signed by the Chairman.

259. PREVIOUSLY DEFERRED APPLICATION – AW/7/09 – DEMOLITION OF EXISTING HOUSE AND ERECTION OF 10 NO. 2 BEDROOM APARTMENTS TOGETHER WITH GARAGING, PARKING AND LANDSCAPING, REUSE OF EXISTING ACCESS, MOONRAKERS, DARK LANE, ALDWICK

Prior to consideration of this item, the Chairman advised the meeting that, as currently written, the Council's Public Speaking Rules did not allow speakers to speak on items which had been deferred after an opportunity for public speaking had been exercised. However, this provision of the Constitution could be suspended for the duration of the meeting provided Standing Order 27, 'Suspension and Amendment' was complied with and provided a motion to this effect was moved and seconded and passed by a majority of votes.

As custom and practice had in the past permitted speakers to speak again if new or additional information was submitted on a deferred application, the Chairman was of the view that, in the interests of fairness, speakers who had registered to speak on this application should be permitted to do so. The Chairman therefore proposed, and was duly seconded, that Standing Order 27 be suspended for this item, which was then supported by the Committee.

The Committee received a comprehensive update report from the Planning Team Leader which set out the detail of the results of the findings from the Council's independent transport consultant, who had been commissioned to undertake a full independent traffic analysis in terms of access and a full highway risk assessment in respect of the site. Members were advised that the consultant had raised no objection to the proposal apart from stating that there was a shortage of visitor car parking spaces and had also raised a query with regard to personal injury statistics which, it had been confirmed by West Sussex County Council, showed a nil return for the last three years in Dark Lane and at its junction with Craigweil Drive.

Since the matter had been deferred in April, the question of the removal of trees had been raised by objectors. The Planning Team Leader addressed this by stating that of the two trees identified as being removed, neither had been covered by a Tree Preservation Order and whilst one was considered to have very little or no amenity value the other was borderline and in officers' views both could be felled without having a significant detrimental impact on the locality.

The officer's written report update was also circulated at the meeting which detailed additional representations received from the Parish Council and members of the public.

In the course of a full debate on the matter, Members still expressed their reservations about the technical assessment that had been made in relation to the access to the site via Dark Lane, together with the loss of the two trees. A further issue was raised that the conditions for approval referred to the West Sussex Structure Plan but a reassurance was given by the Planning Team Leader that this would not affect the outcome of any decision made.

Following consideration of the application, the Committee

RESOLVED

That the application be approved as detailed in the report.

260. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 2 appeals that had been heard.

261. PLANNING APPLICATIONS

R/101/09 – Extension, 1 Walders Road, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

P/55/09 – New infill front extension with mono pitch roof and internal alterations, 3 Webb Close, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control
Committee – 12.08.09.

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

During the course of discussion on the following application, Councillor Gammon declared a personal interest as a member of Littlehampton Town Council and remained in the meeting and took part in the debate and vote.)

LU/88/09 – Erection of 1 No. 3 bedroom chalet bungalow on the land to the rear of 40 Kent Road, 40 Kent Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing further representations received and an amended condition relating to substitute plans, the Committee

RESOLVED

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

FN/37/09, Regeneration of dilapidated stable yard and associated buildings comprising replacement dwelling with ancillary stable yard and storage barn, 3 No. holiday cottages and 2 No. residential dwellings. (Departure from the Development Plan), Soldiers Field Stables, Soldiers Field Lane, Findon Having received a report on the matter, together with the officer's written report update detailing consultation responses from Findon Parish Council and the South Downs Joint Committee and a further letter of objection, and a verbal amendment to Condition 5 to preclude the extension and construction of curtilage buildings, the Committee

RESOLVED

That the application be approved as detailed in the report and officer report update and subject to further amendment of Condition 5 to read:-

“Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the development permitted, shall be constructed or buildings shall be erected within the curtilages unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In order to control the development in the interests of the character and appearance of this building group which is within an AONB and outside the built-up area, as defined, where normally only that development essential in the interests of agriculture/forestry is permitted in accordance with Policy GEN7 of the Arun District Local Plan.

(During the course of consideration of the following application, Councillor Elkins exercised his right to speak and declared a prejudicial interest as he lived along Littlehampton Road. He then left the meeting and was not present during the debate or vote.)

FG/72/09 – Variation of Condition No. 5 of Planning Permission FG/135/02 to use part of the premises as a refreshment area ancillary to Highdown Vineyard, Highdown Vineyard, Littlehampton Road, Ferring Having received a report on the matter, Members generally welcomed the proposal and, in the course of discussion, it was proposed and duly seconded that the hours of operation should be amended to read 10.00 to 21.00 Monday to Saturday and 10.00 to 17.00 Sunday and Public Holidays. However, on being put to the vote this was declared LOST. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Bower had declared a personal interest and remained in the meeting for the debate and vote.

Prior to consideration of the following application, Councillor Chapman exercised his right to speak as Ward Councillor and remained in the meeting during the debate and vote.)

EP/64/09 – Amendment to previously approved planning permission EP/137/03 for extension to existing bungalow, Seacot, South Strand, East Preston Having received a report on the matter, together with the officer's written report update detailing additional representations received and amended report and amended conditions, the Committee

RESOLVED

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

Development Control
Committee – 12.08.09.

BR/96/09 – Alterations to existing covered walkway to facilitate retention and effect access to ground floor bedroom, 4 Gatehouse Mews, Sudley Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/123/09 – Erection of 2 No. semi detached bungalows and garages, Land to the rear of 56 Richmond Road, Bognor Regis Having received a report on the matter, a request was made that the address for this proposal should be corrected to 56 Richmond **Avenue** and, further, should the application be approved, the informative relating to the Wildlife Act should be added. Following consideration, the Committee

RESOLVED

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

The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees, etc during this period could lead to an offence under the Act.

The Chairman then called a short adjournment to the meeting.

(Prior to consideration of the following item, Councillor Mrs Smee exercised her right to speak as Ward Councillor and remained in the meeting during the debate and vote.)

BE/47/09 – Outline Application for the demolition of all existing buildings and redevelopment of the site with up to 70 dwellings (up to 28 Affordable), public open space and strategic landscaping. Departure from the Development Plan, Chalcraft Nursery & Associated land, Chalcraft Lane, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional information received and amended conditions, the Chairman called a 5 minute adjournment to enable Members to read the information provided as it was quite detailed. A further verbal update was given by the Strategic Development Planner that the Highways Authority had requested a £50,000 developer contribution towards

transport infrastructure and that 2 additional representations had been received.

In presenting his report, the Strategic Development Planner advised the Committee that, since the previous application had been refused, the South East Plan had replaced the West Sussex Structure Plan and there was now a requirement for some sustainable urban expansion on greenfield land. Although this site was within the strategic gap and development would be in contravention of local plan policies, PPS3 stated that an affordable 5 year housing land supply had to be identified and at the present time in the Arun District this was not the case. An appeal at Bilsham Lane, Yapton, had recently been lost on those grounds. In the officer's view, this application did conflict in some ways but did also comply in others and so a balanced recommendation to approve had been put forward as it was felt that any appeal would be lost due to its similarity with the Bilsham Lane proposal.

The Committee then participated in a detailed debate which covered:-

5 year housing land supply – the Strategic Development Planner reiterated that, with no development commencing at Policy Site 6, there would be a detrimental impact on the District's housing land supply and the slippage would result in a shortfall, which might be noted by an Inspector at appeal. However, Members views were expressed that, due to the severe economic downturn being experienced, that target could never be met and there could be no guarantee that this site would come forward before any other site. Any appeal would have to also take that into account

Relationship of the site with the centre of the village, together with concerns raised that the loss of the businesses based at the site would have a detrimental impact on local residents.

Flooding – concerns were raised that this area had always been subject to flooding. However, Members were reminded that a Flood Risk Assessment had been undertaken and the Council's engineers and the Environment Agency had responded that, subject to mitigation measures being put in place, flooding would not occur. A further concern was raised in respect of monitoring of the site with regard to SUDS (Sustainable Urban Drainage Systems) and a response given that the timescale of any approvals would allow for this to take place.

The Local Development Framework (LDF) process – a feeling of disquiet was expressed that this application was premature and pre-empted the decision the Council would be taking about where development should take place in the District. The public was being requested to put forward their comments and it was felt to be illogical that this proposal should be

Development Control
Committee – 12.08.09.

considered prior to the decision on the LDF. Advice was given at the meeting that under PPS3, Para 72, prematurity could not be given as a reason for refusal.

Private Management Company – a comment was made that this was flawed in that how would those in affordable housing be able to meet management fees, etc. Advice was given that this was a matter for the developer to decide.

Following the debate, the Committee did not accept the officer recommendation to approve and was of the view that the reasons for refusal used for the previous application were still valid. The Strategic Development Planner gave advice at the meeting regarding amendment to the original reasons and the Committee then

RESOLVED

That the application be refused for the following reasons:-

1. The site lies outside the built up area and the proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with Policies GEN2 and GEN3 of the Arun District Local Plan which seeks to protect the countryside and ensure that the amount of land taken for development is kept to a minimum.
2. The proposal is unacceptable because the land is not allocated in any local plan or otherwise identified by the Local Planning Authority for residential development and the proposal would not constitute infilling or redevelopment within an existing built up area. It, therefore, conflicts with housing policy GEN2 of the Arun District Local Plan.
3. The proposal would involve development within the Bognor Regis and Chichester Strategic Gap which policy AREA10 of the Arun District Local Plan requires should be permitted only in compelling circumstances. These are not considered to exist in the present case.
4. The development proposed generates a need for public infrastructure in the form of financial contributions towards education, transport, waste management, library infrastructure and fire service. No Section 106 unilateral undertaking has been submitted in order to secure these requirements and the

development, therefore, conflicts with policy GEN8 of the Arun District Local Plan.

5. The applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 unilateral undertaking has been submitted to secure the provision of affordable housing for the long term including socially rented housing. The proposed development, therefore, conflicts with policy DEV17 of the Arun District Local Plan.

BN/10/09 – Roof Extension, Greenlands, Park Road, Barnham Having received a report on the matter, together with the officer's written report update detailing the Parish Council's consultation response, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/75/05 – Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for provision of 24m long pontoon embarkation and landing facility in the River Arun for riverboat cruises and public mooring. The existing masonry steps and landings will remain unchanged but cease to be used, River Arun adjacent to Town Quay, immediately downstream of Queen Street Bridge, Arundel Having received a report on the matter, together with the officer's written report update detailing information received from the Council's Engineers resulting in an amended recommendation, the Committee

RESOLVED

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

A/49/09 – Proposed demolition of garage and construction of a single storey side extension, 12 Ferndale Walk, Angmering Having received a report on the matter, together with the officer's verbal update that the description of the application under Site and Surroundings should read side extension rather than rear extension, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control
Committee – 12.08.09.

262. UPDATING OF THE POWERS OF ASSISTANT DIRECTOR OF PLANNING & HOUSING STRATEGY

The Planning Solicitor presented this report which sought an amendment to the Council's Constitution so as to clarify the powers of the Assistant Director of Planning and Housing Strategy under the Council's Scheme of Delegation, as follows:-

1.6.10 (a) power to negotiate and agree planning obligations under the Town & Country Planning Act 1990.

(b) Power to administer, appear at and represent the Council at Appeals against refusals of applications to vary, modify or discharge planning obligations under Section 106B, Town & Country Planning Act 1990.

(c) Power to act in relation to all the above when they apply to agreements made under Section 52, Town & Country Planning Act 1971 and other relevant predecessor legislation, including acting in appeals to the Lands Tribunal under Section 84, Law of Property Act 1925.

As amendments to the Constitution were considered first by the Governance Committee for recommendation on to Full Council, it was suggested that, in order to prevent unnecessary delays and to speed up the process in dealing with future amendments, and as had always previously been the case, a further recommendation should be considered whereby this Committee would be given the power to recommend direct to Full Council any amendments to the Officer Scheme of Delegation. It was agreed that this should go forward to the Governance Committee for consideration.

The Committee

RECOMMEND TO THE GOVERNANCE COMMITTEE – That

(1) Full Council be recommended to approve the amendment to the Scheme of Delegated Powers of the Assistant Director of Planning and Housing Strategy, as follows:-

1.6.10

(a) power to negotiate and agree planning obligations under the Town & Country Planning Act 1990.

(b) Power to administer, appear at and represent the Council at Appeals against refusals of applications to vary, modify or discharge planning obligations under Section 106B, Town & Country Planning Act 1990.

(c) Power to act in relation to all the above when they apply to agreements made under Section 52, Town & Country Planning Act 1971 and other relevant predecessor legislation, including acting in appeals to the Lands Tribunal under Section 84, Law of Property Act 1925.

And

(2) Full Council be recommended to approve that the Council's Constitution, Part 3 'Governance Committee [DCC], paragraph 2.6.1.1 page 56, be amended by adding the following words to the end of that paragraph "...but excluding amendments to the Officer Scheme of Delegation in so far as they relate to Planning Services, which will be considered by the Development Control Committee and recommended direct to Full Council."

263. PROPOSED COMPLIANCE STRATEGY

The Compliance Team Leader presented a report to the Committee which set out the detail of a draft Compliance Strategy to be circulated for formal consultation with the Town and Parish Councils.

Following consideration, the Committee

RESOLVED

That formal consultation be carried out with Town/Parish Councils re the draft Compliance Strategy and the consultation responses be reported back to a relevant meeting.

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

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers

Development Control
Committee – 12.08.09.

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.

CIC/AB/19/03 – Unauthorised shop blind attached to Grade II Listed Building, 10 High Street, Arundel Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of this breach of planning control as it is not expedient to do so in the absence of harm to the amenity in the locality of the site. The development does not have the benefit of Listed Building Consent/Planning Permission and this fact will be revealed when a Local Land Charges Search is undertaken.

CON/BE/8/03 – Without planning permission changing the use of the land from domestic curtilage connected with the dwelling on the land to use for siting thereon of caravans used as residences separate and independent of the main dwelling on the land, Richmond Lodge, Shripney Road, Shripney Having received a report on the matter, the Committee

RESOLVED - That

(1) authority be granted under (ss 178-179) and Section 187B of the Town and Country Planning Act 1990 to institute legal proceedings separately or in combination for the failure to comply with the Enforcement Notice; and

(2) authority be granted under delegated powers for a S215 notice to be issued to clear the site as it is littered with old cars, car tyres and rubbish.

CON/FN/4/05 – Unauthorised conservatory, 1 Ivy Cottage, Horsham Road, North End, Findon Having received a report on the matter, the Committee

RESOLVED - That

(1) authority be granted under Section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to prosecute for non-compliance with the Enforcement Notice; and

(2) it be noted that costs may be awarded against the Local Planning Authority.

CON/H/5/06 – Alleged unauthorised occupation of caravan and extensions, St Edmunds Cottage, The Street, Houghton Having received a report on the matter, the Committee

RESOLVED

That the owner of the land be prosecuted for non compliance with the Enforcement Notice (ss 178-179) of the Town and Country Planning Act 1990.

ENF/181/09 – Alleged unauthorised fence, 2 Langley Grove, Aldwick 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 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/231/09 – Alleged unauthorised work to a tree under a Tree Preservation Order, The Yeomans, Woodlands Avenue, Rustington Having received a report on the matter, the Committee

RESOLVED

That the owner of the property who undertook the work be prosecuted under s.210 of the Town and Country Planning Act 1990.

ENF/241/08 – Alleged unauthorised extension, 9 Bellscroft Close, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the structures to the rear of the property as it is not expedient to do so in the absence of harm to local amenity. The development does not have the benefit of planning permission and this fact

Subject to approval at the next Committee meeting

188

Development Control
Committee – 12.08.09.

will be revealed on CON/29/R when a Local Land Charges Search is undertaken.

ENF/426/08 – Alleged unauthorised breach of condition M/31/04, 39 Priestley Way, Middleton on Sea 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 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/498/08 – Alleged unauthorised fence, 87 Highdown Drive, 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 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 6.53 p.m.)