

DEVELOPMENT CONTROL COMMITTEE

2 July 2014 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Mrs Bower, Mrs Bowyer, Charles, Edwards (substituting for Councillor Bower), Evans, Haymes, McDougall, Northeast, Mrs Oakley (substituting for Councillor Mrs Smee), Mrs Pendleton, Mrs Stainton and Steward.

[Councillor McDougall was absent from the meeting during consideration of the matters referred to in Minutes 101 (part from Planning Application BN/13/14) to 103.]

Councillor Wells was also in attendance for part of the meeting.

95. WELCOME

The Chairman welcomed Councillor Edwards to his first meeting of the Committee.

96. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bower, Mrs Goad and Mrs Smee.

97. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.

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- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a “Prejudicial Interest” this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Haymes declared a personal/prejudicial interest in Planning Application Y/31/14/PL as Chairman of Yapton Parish Council and as the proposal was two doors away from his own property. He also declared a personal interest in Planning Application Y/88/13 as Chairman of Yapton Parish Council – he stated that he had taken no part in any discussion on the matter when it was considered at the relevant parish meeting.

98. MINUTES

The Minutes of the meeting held on 5 June 2014 were agreed by the Committee as a correct record and signed by the Chairman.

99. WITHDRAWN APPLICATIONS AND ADDITIONAL APPLICATION

The Chairman advised the meeting that Planning Application EP/58/14 and WA/14/14 had been withdrawn from the Agenda and that Planning Application EG/66/13 had been omitted from the papers in error and would be considered at the end of Agenda Item 8.

100. PREVIOUSLY DEFERRED APPLICATION

Report on the Meeting of the Post Site Inspection Panel – LU/42/14 – Erection of three storey building to create a three bedroom end of terrace property, with additional car parking. Resubmission following LU/104/13, 1 Willow Brook, Wick, Littlehamp0ton Having received a report on the matter, the Committee accepted the Site Inspection Panel’s assessment of the proposal and therefore did not agree with the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

“The proposed building by reason of its siting, height, width and scale would have an unacceptable detrimental impact on the character and appearance of the street scene and be at odds with the layout of the surrounding residential area, in conflict with Policy GEN7 of the Arun District Local Plan and the NPPF.”

101. PLANNING APPLICATIONS

(Prior to consideration of the following application, Councillor Haymes had declared a personal/prejudicial interest and left the meeting and took no part in the debate or vote.)

Y/31/14/PL – Erection of detached building comprising two flats, Rear of Merry Meats, Main Road, Yapton Having received a report on the matter, together with the officer's written report update detailing additional representation received from the Agent, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Councillor Haymes declared a personal interest in the following application as the Chairman of Yapton Parish Council and stated he had taken no part in any consideration of the matter. He therefore remained in the meeting for the debate and vote.)

Y/32/14/L – Application for Listed Building Consent for proposed conversion of outbuilding to single dwelling, Hobbs Court, Bilsham Road, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Councillor Haymes declared a personal interest in the following application as the Chairman of Yapton Parish Council and stated he had taken no part in any consideration of the matter. He therefore remained in the meeting for the debate and vote.)

Y/88/13 – Proposed conversion of outbuilding to single dwelling, Hobbs Court, Bilsham Road, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/14/14/PL – 2 No. semi detached dwellings to replace 2 No. flats and associated landscape works, 1 & 2 Stafford Cottages, Yapton Lane, Walberton Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the agenda.

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LU/43/14 – Approval of Reserved matters following Outline permission LU/355/10 for the appearance, landscaping, layout and scale of 90 dwellings (including 23 affordable dwellings) within land parcels 4A and 4B. Departure from the Development Plan, Land Parcels 4A & 4B, Courtwick Lane, Land South of Railway, Littlehampton Having received a report on the matter and a comprehensive verbal presentation from the Strategic Development Planner, the Committee thanked officers and the developers for their work on achieving an excellent layout and design for this application and Planning Application LU/44/14. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/44/14 – Approval of Reserved Matters following Outline Approval LU/355/10 for Phase 2, 185 units for layout, appearance, scale and landscape of dwellings. Departure from the Development Plan, Kingley Gate Development, Courtwick Lane, Land South of Railway, Littlehampton Having received a report on the matter and a comprehensive verbal presentation from the Strategic Development Planner, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/77/14/PL – Replacement of 27 No. timber windows with PVCu, The Tamarisk Centre, 42 Beach Road, Littlehampton Having received a report on the matter, together with verbal advice that both owned the building as was the applicant, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/16/14/HH – Double storey rear extension, replace existing flat roofs with pitched, front porch, garage extension and part conversion to studio, 41 Downview Road, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/58/14/PL – 1 No. new dwelling (Little Fosters) and associated landscape works, Land at Tamarisk Way, (Little Fosters), East Preston Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the agenda.

The Committee agreed that Councillor Wells could speak on the following application.

BE/32/14/PL – Change of use from publishers warehouse to indoor skate park, Unit 4, Oldlands Way, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional letters of support received, the Committee participated in a full debate.

The Planning Team Leader, in opening his presentation, advised that the Council was fully supportive of the principle of an indoor skate park but questioned whether this was the right place as it would mean the loss of a business unit in a business park. There were strong indications that the economy was picking up and demand for business units was increasing and, as one of the Council's priorities was to promote job density, it was therefore believed to be appropriate to refuse this application due to the loss of this business premise.

The Economic Development Manager was in attendance to voice support for refusal of this application from the Economic Regeneration Team. She stated that the team did recognise the strength of this idea and the benefits it would bring to the youth of the area and the District as a whole. However, communities had to have sustainable development with jobs and, at the present time, Arun had 0.6 jobs for every person who could work, which was very low. The priority was to create jobs and, as such, land and premises were required – that was why the Council was fighting to retain these premises for high density business use. The project on the table anticipated retaining two full-time and 2 part-time employees which was considered to be too low as this size unit would normally have potential for a higher number of jobs.

In opening up the debate, the Chairman reminded Members that it was the planning merits around the change of use that were under discussion and all the relevant planning policies were detailed in the officer's report.

The overwhelming view of those Members who spoke to the application was that they could not support the officer's recommendation to refuse. It was generally felt that this was a fantastic opportunity for Bognor Regis and would not only benefit the local young people but would bring in those from other areas, which would have a knock on effect for other local, ancillary businesses. It was highlighted that these premises had been vacant for over two years, despite a recent refurbishment, and West Sussex County Council had no objection on highways grounds and accepted that the site was sustainable. A warehouse premise such as this was totally

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appropriate for an indoor skate park as the height of the building was an important factor for such a project. It was also pointed out that Coast To Capital and the Police had offered strong support for the proposal.

Further arguments in support were raised that, with the scale of new housing in the area, there was a definite need for improved recreational and leisure facilities and the needs of the young must not be ignored. This proposal would provide a safe and supervised environment for them and that could only be of benefit to the community. It was felt that the location was right as there were no nearby residential dwellings that would suffer any adverse impact from noise and disturbance.

The Committee therefore did not accept the officer recommendation to refuse and

RESOLVED

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

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).

2. The development hereby approved shall be carried out in accordance with the following approved plans:-

The Location Plan (1:1250);
Site / Block Plan (1:500);
(Existing) Ground Floor Plan (1:100); and
Internal Indicative Layout Drawings x 6 (not to scale).

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.

3. The use hereby approved shall not be implemented until details of external lighting and CCTV/other security measures have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first use of the building and retained in working order.

Reason: In the interests of the security and safety of the users of the property in accordance with GEN18 of the Arun District Local Plan.

4. The building shall be used as a skate park and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other Statutory Instrument revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to maintain control in the interests of the amenities in accordance with Arun District Local Plan policies GEN7.

5. The use hereby approved shall not be commenced until secure cycle parking spaces have been provided within the existing forecourt area in accordance with a plan that shall have been submitted to and approved in writing by the Local Planning Authority. The area of the forecourt so provided shall be retained thereafter and shall not be used for any purpose other than the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with policy GEN7 of the Arun District Local Plan.

INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BN/13/14 – Approval of Reserved matters following Outline Approval BN/15/11 for appearance, landscaping, layout and scale for 75 dwellings. Departure from the Development Plan and affects a public right of way, Land at Goodacres, Barnham Having received a report on the matter, together with the officer's written report update detailing additional representations received, the Committee

RESOLVED

That the application be approved as detailed in the report.

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EG/66/13 – Conversion of existing disused barn to 1 No. one bedroom habitable accommodation, Land adjacent to The Old Barn, 33A Barnham Road, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

102. PLANNING APPEALS

The Committee received and noted planning appeals that had been received and 1 appeal that had been heard.

103. CONSTITUTION CHANGE – PART 4 SECTION 2 – PARAGRAPH 5 – ASSISTANT DIRECTOR PLANNING & ECONOMIC REGENERATION AND PART 3 RESPONSIBILITY FOR FUNCTIONS PARAGRAPH 4.2.6. AND 4.2.9 – DEVELOPMENT CONTROL COMMITTEE

The Committee received a report which had been presented to the Constitutional Review Task and Finish Working Party at its meeting on 11 June 2014 and which had been forwarded to this Committee for decision as it dealt with powers to confirm unopposed footpath orders, with subsequent changes to the Council's Constitution.

Following consideration, the Committee

RECOMMEND TO FULL COUNCIL – That

1. The following wording is inserted into the Assistant Director Planning and Economic Regeneration's delegated powers at Part 4 Section 2 paragraph 5 of Constitution:

Additions are shown as **bold and underlined** and deletions are shown as ~~strikethrough~~

Confirmation of Unopposed Footpath Diversion Orders and Footpath Extinguishment Orders-

In cases where there are no objections or any objections are withdrawn to Footpath Diversion Orders and Footpath Extinguishment Orders the power to Confirm such Orders without modifications and then to notify and publicise that.

2. That Paragraph 4.2.6 of Part 3 – Responsibility for functions – Development Control Committee is amended to read as follows:

Additions are shown as **bold and underlined** and deletions are shown as ~~strikethrough~~

Part 3 – Responsibility for functions – Development Control Committee - Paragraph 4.2.6

Power to create, stop-up and divert footpaths and bridleways pursuant to Sections 26, 118 and 119 of the Highways Act 1980
PROVIDED THAT unopposed Footpath Orders may be Confirmed by the Assistant Director Planning and Economic Regeneration under delegated powers

3. That Paragraph 4.2.9 of Part 3 – Responsibility for functions – Development Control Committee is amended to read as follows:

Additions are shown as **bold and underlined** and deletions are shown as ~~strikethrough~~

Part 3 – Responsibility for functions – Development Control Committee - Paragraph 4.2.9

The following miscellaneous powers:

- to create by agreement, stop up and divert, footpaths and bridleways,
- to determine applications for Public Path Extinguishment Orders,
- to make railway crossing, special extinguishment, public path diversion, special diversion and SSSI Diversion Orders,
- to require an applicant for an Order to enter into an agreement and
- duty to keep a register in respect of certain of the above applications. All under Sections 25, 26, 31A, 118, 118ZA, 118C(2), 118A, 118B, 119, 119ZA, 119C(4), 119A, 119B, 119C(3), 119D, 121B, 121C, 118C and 119C of the Highways Act 1980.

PROVIDED THAT unopposed Footpath Orders may be Confirmed by the Assistant Director Planning and Economic Regeneration under delegated powers

Subject to approval at the next Committee meeting

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4. the Head of Legal and Administration be authorised to make any further consequential changes to the Constitution.

(The meeting concluded at 4.34 p.m.)