

DEVELOPMENT CONTROL COMMITTEE

30 July 2014 at 2.30 p.m.

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

[Councillor Mrs Pendleton was absent from the meeting during consideration of the matters referred to in Minutes 165 to 167.

Councillors L. Brown and Maconachie were also in attendance at the meeting.

161. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Bowyer, Mrs Goad, Northeast and Steward.

162. 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.
- 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.

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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 Bower declared a personal interest in Planning Application LU/118/14 as Chairman of the North Littlehampton Steering Group, which had been involved in discussions relating to these premises.

163. MINUTES

Prior to considering the Minutes, the Planning Team Leader advised that in consideration of Planning Application LU/42/14, Members should have been advised that an appeal for non-determination had been submitted to the Planning Inspectorate and, therefore, the Committee had not been in a position to issue a decision. However, had it been, Members now confirmed that the application would have been refused for the reason stated:-

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, Littlehampton

Reason for refusal: 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.

The Minutes of the meeting held on 2 July 2014 were then agreed by the Committee as a correct record and signed by the Chairman.

164. PREVIOUSLY DEFERRED APPLICATION

LU/37/14 – Installation of semi-permanent low-level picnic benches in recycled hard wood to replace existing tables and chairs, West Beach Café, Ropewalk, Littlehampton. This application had been deferred from the meeting held on 5 June 2014 for further information Having received a report on the matter, the Planning Team Leader advised that details of the proposed furniture had now been received (and was illustrated at the meeting) and the recommendation had been amended to one of approval, with conditions.

In discussing the application, views were expressed that, due to the type and design of the furniture, it would be unreasonable to expect the applicant to remove it from the land between the end of October and the beginning of March each year, as required by Condition 3. It was proposed and seconded that Condition 3 be deleted and, on the amendment being CARRIED, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to deletion of Condition 3.

165. WITHDRAWN APPLICATIONS

The Chairman advised the meeting that Planning Applications A/51/14, EP/58/14 and WA/14/14/PL had been withdrawn from the Agenda.

166. PLANNING APPLICATIONS

AL/26/14/PL – Change of use from 5 No. tourist units to 5 No. residential units (C3 Dwelling). This application affects the character and appearance of Aldingbourne (Church Road) Conservation Area, Easter Cottage, Norton Dairy, Cart Barn, East Barn & The Old Stables, Old Dairy Lane/Norton Lane, Aldingbourne Having received a report on the matter, together with the officer's written report update detailing a requirement from the Environment Agency for a Flood Risk Assessment to be provided and resultant additional reason for refusal, Members expressed sympathy for the predicament the property owners found themselves in but reiterated that permission had been given for holiday lets to promote tourism in the District. Insufficient evidence had been provided to show that the cottages had been marketed adequately for tourism purposes to enable Members to consider a change of use at this time.

An alternative view was voiced in that the original permission had been granted 6 years ago and the situation had now changed, thus making the officer's recommendation unjustified. It was proposed that the matter should be deferred to enable the owners to gather evidence for the next meeting and, having been duly seconded, the amendment was declared LOST.

The Committee then returned to the substantive recommendation and

RESOLVED

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

AW/135/14/OUT – Outline application for residential development consisting of 2 detached 3 bed bungalows, 2 detached 3 bed chalets & 4 semi detached 3 bed chalets with new access between Nos 34 & 36. Resubmission of AW/53/13, Rear of 36, 38, 40 & 44 Carlton Avenue, Bognor Regis Having received a report on the matter, the Committee was reminded that a previous application had been dismissed on appeal solely due to the lack of a Section 106 Agreement being in place. The Senior Planner therefore advised that this application was recommended for

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approval subject to a S106 being signed within 1 month of the date of the resolution to approve and, if not, it would be refused by officers under delegated powers for the third and fourth refusal reasons as set out on the refusal notice for the previous planning application AW/53/13.

In discussing the proposal, Members expressed concern around the parking and highway safety issues associated with the close proximity of local schools to the site and did not feel that the Planning Inspector had given proper consideration to the problems in respect of this matter. Following advice from the Head of Development Control, the Committee accepted that it could not refuse the application but did suggest that the Joint Western Arun Area Committee be approached and requested to put in place a Traffic Regulation Order (TRO) for Carlton Avenue to alleviate the problems being experienced.

The Committee

RESOLVED

That the application be approved as detailed in the report, subject to completion of a Section 106 Agreement within one month of the date of this approval. If no such agreement is signed, the application to be refused by officers under delegated powers for the third and fourth refusal reasons as set out on the refusal notice for the previous planning application AW/53/13.

AW/146/14/PL – Application for a Variation of Condition 2 Imposed under BR/846/71 to allow the pre-school to operate from 0845 hours each day until 1530 hours, Mosse Memorial Hall, St Richards Way, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a further representation from an objector and no objection from West Sussex County Council, Members had no objection to the extension of operating hours to now be 08.45 to 15.30 Monday to Friday inclusive. However, concerns were raised that, due to the close proximity of the playschool's garden area to neighbouring residential properties, the resultant noise nuisance of outside play during the afternoons was unacceptable (the children could play out in the garden during the morning sessions). It was therefore proposed and duly seconded that Condition 1(ii) be amended to delete play sessions in the afternoon, and the Committee

RESOLVED

That the application be approved as detailed in the report, subject to amendment of Condition 1(ii) to read:-

The garden area shall not be used for preschool purposes except between the hours of 09.00 & 12.30 Monday to Friday inclusive.

AW/147/14/HH – Retention of picket fence to front boundary to include wooden driveway gate & passenger gate, 6 Wilman Gardens, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

AW/154/14/HH – Proposed front porch extension, side and rear extensions with internal alterations, 7 Thrusloes, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional objection received, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/42/14/PL – General purpose steel framed agricultural machinery storage building, Roundstone Farm, Littlehampton Road, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/51/14/OUT – Outline Application with some matters reserved for demolition of the existing Manor Nursery Garden Centre and hard standing and redevelopment for 32 dwellings with associated access, public open space and landscaping. Departure from the Development Plan, Manor Nursery, High Street, Angmering Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the Agenda.

AB/104/13 – Redevelopment and conversion of the former Bevin Bevin site to provide 7 No.apartments and 6 No. houses with associated car parking. This application affects the character and appearance of the Arundel Conservation Area, Bevin Bevin & Co Ltd, River Road, Arundel Having received a report on the matter, together with the Senior Planner's verbal advice that the proposal was being recommended for approval subject to completion of a Section 106 Agreement and that, should that Agreement not be completed within one month of approval, then the application would be refused by officers under delegated powers, the Committee

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RESOLVED

That the application be approved as detailed in the report, subject to completion of a Section 106 Agreement within one month of the approval and, should the Agreement not be completed within the timescale, then the application will be refused by officers under delegated powers.

BN/24/14/HH – Construction of annexe to provide accommodation for elderly relative, loft conversion & gable extension to provide bedroom & bathroom, demolition of conservatory & construction of replacement orangery & new entrance porch to west elevation. This application affects the character and appearance of Barnham Church Lane Conservation Area, 2 Little Barton, Church Lane, Barnham

Having received a report on the matter, together with the officer's written report update detailing the 'making' of the Barnham & Eastergate Neighbourhood Plan; a representation from the Conservation Area Advisory Committee and an additional letter of representation received, comment was made that the design and style of the new build would not be in keeping with the Conservation Area. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reasons:-

1. The proposed development by reason of its scale and design would represent an over development, unbalancing the visual symmetry of the pair of semi-detached houses in the Conservation Area contrary to policies ES7 of the Barnham and Eastergate Neighbourhood Development Plan 2014-29, policies GEN7, DEV19 and AREA2 of the Arun District Local Plan, policies D DM1, D DM4 and HER DM3 of the Publication Version of the Local Plan and paragraph 64 of the NPPF.

2. The proposed alteration of the roof (hip to gable) and insertion of bedroom window would result in an unacceptable loss of privacy to the occupiers of Manor Cottage contrary to policies GEN7(iv) and DEV19 (iii) 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 identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future

application for a revised development.

BE/57/14/PL – Demolition of attached double garage and erection of 2 No. 3 bedroom semi-detached houses, 346 Chichester Road, Bognor Regis Having received a report on the matter, strong reservations were expressed relating to an over intensification of development; highway safety issues due to the site abutting a busy junction; West Sussex County Council's comments that visitors could park on the road nearby; and boundary matters. It was suggested and agreed that the application should be deferred to enable a topography survey to be provided to clarify the technical evidence and check that these dwellings were in the correct position. A request was also made that an officer from County Highways be invited to attend to address the highways concerns of this proposal.

The Committee

RESOLVED

That the application be deferred for a topography survey.

BR/76/14/PL – Change of use from deli (A5 Hot Food Takeaway) to a taxi office (Sui Generis), 29 Station Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a representation from the Agent, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/116/14/PL – Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the conversion of two units (x1 bedroom unit & x1 bedsit unit) into 1 x 2 bedroom unit, including replacement double glazed windows & canopy over newly formed entrance door in S/E elevation, Units 6 & 7 Howard House, Pevensey Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved.

EP/52/14/HH - Proposed new block driveway and vehicular crossover, 19 North Lane, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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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.

EP/63/14/HH – Alterations to existing dormers to increase floor area to bedroom No. 4, The Cottage, 6 Golden Avenue, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/83/14/HH – New driveway and vehicular access to eastern boundary of property. Resubmission following EP/143/13, Middlebarn, The Street, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/65/14/HH – Two storey pitched roof extension to side & repositioning of the main entrance door, Ridgeway House, The Ridgeway, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing the 'making' of the Felpham Neighbourhood Plan, which would now be used as part of the statutory Development Plan for Arun District Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/78/14/PL – Repositioning of boundary wall with intermittent fence panels, 63 Outerwyke Road, Felpham Having received a report on the matter, together with the officer's written report update detailing the 'making' of the Felpham Neighbourhood Plan, which would now be used as part of the statutory Development Plan for Arun District Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/39/14/L – Application for Listed Building consent for demolition of part of boundary wall to create vehicular access, Yew Tree Cottage, 11 Ferring Street, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/41/14/PL – Application for Removal of Condition 6 imposed under FG/21/12 relating to a caravan or mobile home on the land, Hangleton Farm, Hangleton Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/58/14/PL – Demolition of existing barn and erection of new storage barn, Hangleton Farm Equestrian Centre, Hangleton Lane, Ferring Having received a report on the matter, together with the officer's verbal update that substitute plans had been received detailing that the height of the building had been reduced to 5.1m, 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 and took part in the debate and vote.)

LU/118/14/PL – Change of use & extension of part of former office building to a GP Practice with associated parking, landscaping & highway works, Former Bodyshop Offices, Courtwick Lane, Littlehampton Having received a report on the matter, the Senior Planner presented the detail of the application and also provided a written report update which advised the Committee of a substantial change to the recommendation as follows:-

Changes to Recommendation for LU/118/14/PL

Recommended for approval subject to condition and a S106 agreement provided that the landowner or applicant confirms in writing within 7 days that they are prepared to enter into such an agreement to deal with the following Heads of Terms

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- A) Deliver a programme to bring the Enterprise Hub into active use. The programme will set out key milestone and provisions for the Enterprise Hub's successful operation.
- B) An agreement that will strictly limit the Enterprise Hub to be used for its intended purpose and prevent any further subdivision or loss to non-employment uses.
- C) Highway Improvements to include the following:
 - a. Contribution to provide for a new bus stop shelter on the western side of the A284
 - b. Provision for tactile paving and dropped kerbs at the site access
 - c. Provision of tactile paving and dropped kerbs at the junction of Courtwick Lane and the A284 Lyminster Road
 - d. To secure a parcel of land along the site frontage on Courtwick Lane for provision of a bus stop with shelter should a bus route be run along Courtwick Lane
 - e. Contribution to fund a Traffic Regulation Order to prevent the obstruction of Courtwick Lane and the A284 junction along with preventing parking along Courtwick Lane

If confirmation is not received within 7 days then the application should be refused for the following reasons:

- 1) The applicant has failed to demonstrate that the existing B1 office use is no longer viable and genuinely redundant by failing to adequately market the building on competitive terms for a period of at least twelve months. In the absence of such evidence, the proposal would involve the unacceptable loss of employment generating floorspace. The applicants have failed to enter into an agreement to provide the Council with assurance on the delivery of the remainder of the office building and failed to enter into agreement to retain the remainder of the building solely for B1 use that would make the proposal acceptable in planning terms. As such the proposal is contrary to Policy EMP DM1 of the Draft Arun Local Plan and paragraph 22 of the National Planning Policy Framework which seeks to protect suitable employment sites.
- 2) The applicant has failed to enter into an agreement to deliver the following highway improvements necessary to make the development acceptable in planning terms:
 - a. Contribution to provide for a new bus stop shelter on the western side of the A284
 - b. Provision for tactile paving and dropped kerbs at the site access
 - c. Provision of tactile paving and dropped kerbs at the junction of Courtwick Lane and the A284 Lyminster Road

- d. To secure a parcel of land along the site frontage on Courtwick Lane for provision of a bus stop with shelter should a bus route be run along Courtwick Lane
- e. Contribution to fund a Traffic Regulation Order to prevent the obstruction of Courtwick Lane and the A284 junction along with preventing parking along Courtwick Lane

In the view of officers it was felt important that a Section 106 Agreement should be signed and the amended recommendation had been suggested to focus the attention of the appellant that the matter needed to be concluded.

In discussing the application, Members highlighted that provision of an Enterprise Hub was an integral part of why Morrisons had been granted planning permission. This application would reduce the Enterprise Hub by 50% but it was recognised that medical facilities in Littlehampton needed to be substantially improved, however, the remaining space was still required to come forward to improve employment prospects in Littlehampton. The Committee therefore agreed with the 7 day deadline that had been set in respect of the Section 106 Agreement.

The Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update but, if written confirmation was not received within 7 days that the landowner or appellant was prepared to enter into a Section 106 Agreement, then the application would be refused for the reasons set out in the officer report update.

LU/147/14/PL – Change of use from B1 (Business) to storage and repair of furniture, sale of goods and workshop centre, Enterprise Units (1 to 5), Harwood Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

P/42/14/PL – Change of use from hotel (C1 Hotel) to shop on ground floor (A1 Shops) to include new front entrance ramp and new entrance door, Kings Beach Hotel, The Parade, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional letters of objection received and a 'Save our Pub' petition of 372 signatures, the Committee participated in a full discussion on this matter.

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Members' expressed concerns that this proposal represented the loss of a valuable community asset which had significant historical value. The planning application was to change the use of the ground floor from a hotel to shop and no evidence had been provided that the first floor would be retained for hotel or tourist accommodation, the loss of which would be detrimental to the economic viability of the village. It was acknowledged that a change of use for a public house did not require a full planning application to be submitted but it was pointed out that this was a hotel and so one should be presented to Members for consideration to enable the changes to the premises to be considered as a whole, rather than being split up into two separate entities.

The Committee, therefore, did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reasons:-

1. The proposed change of use from public house to hotel would result in the loss of an asset of community value causing harm to the sustainability of the local community contrary to paragraph 70 of the NPPF.
2. The proposed alterations to the front of the building would cause harm to a heritage asset contrary to policy GEN7 of the Arun District Local Plan, policy D DM1 and D DM4 of the Publication Version of the Local Plan.
3. The proposal has not satisfactorily demonstrated that once conversion of the ground floor area to retail has taken place that the upper floors can continue to operate as a hotel. In the absence of a long term strategy / appropriate legal mechanisms there is a significant risk of the loss of hotel visitor accommodation detrimental to the Pagham Beach area contrary to policy DEV36 of the Arun District Local Plan and policy TOU DM1 of the Publication Version of the 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 identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Subject to approval at the next Committee meeting

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167. PLANNING APPEALS

The Committee received and noted planning appeals that had been received and 3 appeals that had been heard.

(The meeting concluded at 7.15 p.m.)