

DEVELOPMENT CONTROL COMMITTEE

15 June 2016 at 2.30 p.m.

Present: Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Brooks, Charles, Dillon, Gammon, Hitchins, Maconachie, Mrs Oakley, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

[Note: Councillors Charles and Miss Rhodes were absent from the meeting during consideration of the matter referred to at Minute 49.]

Councillors Ambler, Ballard, Bence, Cooper, Haymes and Tyler were also present at the meeting.

39. APOLOGY FOR ABSENCE

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

40. 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.

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 Agenda Item 8, Site Inspection Visit re Planning Application EP/30/16/HH, as the site was on the same

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estate where he lived but he could not see it. He further stated that he had not attended the site visit and would take no part in any debate or vote on the matter.

Councillor Bower also declared a personal interest in Agenda Item 11, Planning Application BR/95/16/PL, as the matter was discussed in broad terms at a meeting of the Bognor Regis Regeneration Subcommittee held on 8 June 2016 and reserved his position. The Chairman also declared the same interest on behalf of herself and Councillors Maconachie, Brooks, Dillon, Hitchins and Charles.

Councillor Hitchins declared a personal interest in Agenda Item 11, Planning Application AW/93/16/HH as he had previously made his view known at the Joint Area Committee and he lived on the same estate. He stated that he would exclude himself from the meeting when the matter was considered.

Councillor Hitchins also reiterated his personal interest in Planning Application BR/95/16/PL as he had previously made his view known as Chairman of the Bognor Regis Regeneration Subcommittee. He stated that he would leave the meeting during its consideration.

41. MINUTES

The Minutes of the meeting held on 18 May 2016 were signed as a correct record.

42. PLANNING APPLICATION P/58/15/OUT, LAND AT SUMMER LANE, PAGHAM

The Chairman agreed that this matter could be considered as a matter of urgency as a decision was required of the Committee prior to its next meeting on 13 July 2016. An officer report update was circulated at the meeting which set out the detail.

Members were reminded that this application had been approved on 30 March 2016. However, the applicant was now requesting an extension to the time period for completion of the Section 106 Agreement and, following consideration, the Committee

RESOLVED

That completion of the Section 106 Agreement to take place by 1 October 2016.

43. START TIMES

The Committee

RESOLVED

That the start times of meetings for the remainder of 2016/17 be 2.30 p.m.

44. VISIT BY SITE INSPECTION PANEL – EP/30/16/HH – DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF TWO STOREY SIDE EXTENSION. INSERTION OF JULIETTE BALCONY TO FRONT. EXTENSION OF EXISTING SIDE DORMER TO CREATE EN-SUITE BATHROOM. ERECTION OF NEW FENCE TO FRONT OF PROPERTY, 10 HOMELANDS AVENUE, EAST PRESTON

(Prior to consideration of this matter, Councillor Bower redeclared his interest and remained in the meeting but took no part in the debate or vote.)

The Committee received a report on a visit of the Site Inspection Panel and was advised by the Chairman of the Panel that Members had expressed a concern with regard to the colour of the proposed cladding and whether the extension matched the same footprint as the garage on the neighbouring side elevation. Members felt that the alterations would not adversely affect the area and that, as the new footprint of the extension was the same as for the garage to be demolished, there would be little detrimental impact on the neighbouring property. A written officer report update was circulated at the meeting which detailed a letter of representation received and the officer's response to the queries raised. The Planning Team Leader advised that condition 4 had been updated to require details of all materials and finishes to be used to be submitted to the Local Planning Authority for approval prior to commencement of the works, which would address Members' concerns with regard to the proposed cladding. He also confirmed that the extension would be no further to the side neighbour than the present garage.

Following consideration , the Committee

RESOLVED

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

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45. VISIT BY SITE INSPECTION PANEL – M/7/16/PL – DEMOLITION OF EXISTING GARAGE, POOL HOUSE & PART EAST WING OF EXISTING HOUSE & ERECTION OF 1 NO. DWELLING & GARAGE, LITTLE COOMBE, 46 SEA LANE, MIDDLETON ON SEA

The Committee received a report on a visit of the Site Inspection Panel and was advised by the Chairman of the Panel that the site could adequately accommodate another property and that the design was a matter of personal taste. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the officer report

46. PLANNING APPLICATION FP/8/16/OUT – OUTLINE APPLICATION FOR 1 NO. BUNGALOW. RESUBMISSION OF FP/44/15/OUT, 84 FLANSHAM LANE, FELPHAM

The Committee was advised that this application had been approved at the meeting held on 30 March 2016. However, Members were now being requested to reconsider the application in light of the new rules with regard to affordable housing contributions, which had the effect that S106 contributions could no longer be sought from schemes of 10 or less dwellings.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

47. PLANNING APPLICATIONS

AL/45/16/HH – Loft conversion, 1 Belle Mead Close, Woodgate Having received a report on the matter, together with the officer's written report update detailing a correction to the report which had referred to the Felpham Neighbourhood Plan in error, the Committee

RESOLVED

That the application be approved as detailed in the report.

(With the agreement of the Committee, Councillor Bence spoke to the following application as Ward Member.)

AW/78/16/HH – Widening of existing drive including alterations to cross-over. This application affects the character & appearance of Craigweil House Conservation Area, 68 The Drive, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional objection received and additional condition relating to the protection of tree roots, a Member request was agreed for a site visit to take place to assess the impact of the demolition of existing walls to accommodate this proposal on the Area of Special Character. The Committee agreed and

RESOLVED

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

(Prior to consideration of the following application, Councillor Hitchins redeclared his personal interest and left the meeting and took no part in the debate and vote.)

AW/93/16/HH – Proposed garage replacing demolished water tank & garden room. Resubmission of AW/122/15/HH, Tradewinds, 7 Arun Way, Aldwick Bay Estate Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

AW/137/16/NMA – Non material amendment to approved application AW/362/15/HH for relocation of proposed rear extension to opposite side of rear elevation, 9 Balliol Close, Aldwick Having received a report on the matter, the Committee was advised that this was a staff application and then

RESOLVED

That the application be approved as detailed in the report.

BR/84/16/OUT – Outline application with some matters reserved for construction of 2 No. 3 bed dwellings & associated works (resubmission following BR/291/16/OUT), 3 Southdown Road, Bognor Regis Having received a report on the matter, the Committee heard the views of some Members that, although the proposal was considered to be an improvement on the previous application, it was still felt to be an overdevelopment and would be out of keeping with the area. On

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being put to the vote, the Committee did not accept the officer view that 2 dwellings was a suitable use of the site and

RESOLVED

That the application be refused for the following reason:-

The proposal for two dwellings would be an overdevelopment of the site out of character with the surrounding area contrary to GEN7 of the Arun District Local Plan, D DM1 of the emerging Local Plan and good design principles in the NPPF.

(Prior to consideration of the following application, Councillor Hitchins redeclared his personal interest and left the meeting and took no part in the debate and vote.

Councillors Bower, Charles, Dillon, Mrs Maconachie and Maconachie redeclared their personal interest and remained in the meeting and took part in the debate and vote.)

BR/95/16/PL – Coffee kiosk to include tables & chairs (resubmission following BR/4/16/PL, South of Esplanade Grand, West of Foreshore Office, The Esplanade, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional objection received and a petition of support of 150 signatures, the Committee also received additional information from the Business Development Manager and the Property & Estates Manager in support of the proposal, who were in attendance to address any concerns Members might have.

A previous application under BR//4/16/PL had been refused by the Committee at its meeting on 30 March 2016 on the grounds of potential blocking of the promenade for its existing users. Additional information submitted with this latest application detailed a retention of 4.9m width of the promenade when the kiosk was in full operation, which was a metre more than the width retained in front of the existing foreshore office and the Gloucester Road kiosk.

Members participated in some discussion on the application and then

RESOLVED

That the application be approved as detailed in the report.

EG/32/16/HH – Two storey side extension (resubmission following EG/74/15/HH), 40 Orchard Way, Barnham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/9/16/HH – First floor extension (resubmission following K/41/15/HH), Bramble Down, Middle Way, East Preston Having received a report on the matter, together with the officer's written report update detailing an additional letter of representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/12/16/PL – Change of use from a C3 (Dwellinghouse) to Sui Generis (House in Multiple Occupation) for 7 or more, 68 East Ham Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report

LU/55/16/PL – Cover existing pebble dash front elevation with PVCu cladding/shiplap. This application affects the character and appearance of the Littlehampton (River Road) Conservation Area, Seaview, 3 River Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a consultation response from the Council's Conservation Officer highlighting that PVCu was an unacceptable material for use in the Conservation Area as it did not preserve or enhance the locality, the Committee was further advised that any approval would be conditioned to ensure suitable materials were used in the cladding of the building. The Committee

RESOLVED

That the application be approved as detailed in the report.

LU/61/16/HH – Rear extension & rebuilding of garage (resubmission following LU/329/15/HH), 15 Maltravers Drive, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a further letter of representation received, Members were advised that the main objections to the proposal related to:-

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- Fails to be in harmony with the street
- Design not in keeping with the history of the dwelling
- Unacceptable impact on the neighbouring property

However, in the view of officers the separation distance between the properties was adequate; the extension would be visible but its impact would not be unacceptable; the extension at the back would not be so harmful as to warrant a refusal and it was subordinate to the main dwelling; and, with regard to residential amenity, it would impact of daylight standards but that had been looked at and the 45 degree rule would be met.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

P/32/16/HH – Loft conversion, extension & dormers to front & rear, 5 Pyrford Close, Pagham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(With the agreement of the Committee, Councillor Tyler spoke to the following application as Ward Member.)

R/37/16/PL – Refurbishment & change of use from ground floor car showroom (Sui Generis) & first floor flats (C3 dwellings) to A3 (Restaurant and Cafes), 1-5 Ash Lane, Rustington Having received a report on the matter, the Committee received verbal advice from the Planning Team Leader that a response had just been received from the Highway Authority which necessitated the addition of 5 conditions and 1 informative to any approval. The conditions were required to address the following:-

1. Need to secure cycle parking
2. Vehicle access to Ash Lane
3. Construction management plan and TRO (Traffic Regulation Order) to address waiting restrictions outside the site
4. Service management plan for the new restaurant use.

In considering the application, a concern was expressed with regard to servicing of the premises. In the course of discussion it was agreed that the condition relating to the service management plan would be slightly amended to include the words “at the rear” to keep possible disruption to a minimum.

To assist Members in their deliberations, the Planning Team Leader read out in full the conditions from County and the Committee then

RESOLVED

That the application be approved as set out in the report, subject to the addition of the following 5 conditions and 1 informative:-

No part of the development shall be first occupied until covered and secure; cycle parking spaces have been provided in accordance with plans; and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

No development shall commence until such time as the two existing vehicular access points onto Ash Lane have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works.

Subject to approval at the next Committee meeting

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Reason: In the interests of highway safety and the amenities of the area.

No development shall be commenced until such time as a Traffic Regulation Order, or revision to an existing order, securing the provision of no waiting at anytime restrictions in accordance with details to be submitted has been approved by the Highway Authority and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of road safety.

No part of the A3 use hereby approved shall be first occupied until such time as a Servicing Management Plan has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied deliveries and bin collection shall be carried out only in accordance with the approved Plan.

Reason: In the interests of road safety.

INFORMATIVE: The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

Y/19/16/OUT – Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development Plan, Land off Burndell Road, Yapton

Having received a report on the matter, the Committee now received a comprehensive verbal presentation on the detail of the application from the Case, together with a written officer report update circulated at the meeting which set out:-

- Additional consultation responses received from County Highways, the Council's Drainage Engineer, Southern Water and Yapton Parish Council
- Comments received from the NHS and the Council's Conservation Officer

- Plan drawing Nos for condition 3; the additional conditions requested by County Highways and S106 Heads of Terms
- A printed draft decision notice with the full set of conditions and informatives

The Case Officer advised that the proposal comprised an almost square site to the south of Burndell Road and Fellows Gardens, a new development that had almost been completed. It is an open field and has been used as arable farm land. Access to the site would be through the narrow frontage from Burndell Yard to the east. Burndell Yard is occupied by a small architectural salvage and scrap metal merchant. The site was 8m AOD (above ordnance datum) and comprised around 60% Grade 2 agricultural land, the remainder of the site being subgrade 3A "due to limitations imposed on crop growth by soil wetness and workability".

The Committee heard that 44 separate representations had been received, all objecting to the proposal, and the case officer listed a summary of the points that had been raised. No objections had been received from the statutory consultees, subject to conditions and requirements for S106 contributions. He also addressed the matter of an application in Chichester District for 120 residential units that had been called in by the Secretary of State and which had been subsequently dismissed, which had been referred to by Yapton Parish Council. However, the view of officers was that that case (DCLG ref APP/L3815/W/15/3004052) was very different to the Yapton application and the reasoning behind that view was given at the meeting. In particular, Members were reminded that, given the guidance outlined in the Other Material Considerations section of the report which set out a very clear position where a Council could not demonstrate a 5 year housing land supply, there was a presumption in favour of sustainable development that required the granting of planning permission as set out in the NPPF.

The Council's Housing Strategy & Delivery Manager advised that this application would provide 30% affordable homes for the District, i.e. 34 homes coming forward as 50% for rent and 50% for interim housing (shared ownership), which met the Council's requirements, particularly in respect of the 17 rented dwellings. Members heard that there were 950 households on the Council's housing register and it was important to provide the type of housing that there was a need for. This application provided affordable homes for local people, complied with policy and, as such, the Housing Strategy & Delivery Manager did not object to the application.

Members then participated in debate on the matter and, on expressing concerns with regard to highway matters, Mr Townsend, a County Highways officer, addressed points of concern raised by Members. He advised that the most recent traffic data had been looked at very carefully and that the opening of the Bognor Regis Relief Road had reduced the amount of traffic passing through Yapton. In addition, officers were bound by Government policy. Having assessed the proposal

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based on current guidelines, the County Council was satisfied that its impact would be minimal on the local road network and was therefore acceptable in highway terms.

Queries were raised with regard to S106 contributions with respect to the NHS and Highways and these were addressed by the Case Officer at the meeting.

Following consideration, the Committee

RESOLVED

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

48. PLANNING APPEALS

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

49. DEVELOPMENT CONTROL COMMITTEE – SCHEME OF DELEGATION

The Committee received a report from the Head of Development Control which was seeking Members' support to amend the Scheme of Delegation to reduce the number of applications going forward to Committee for consideration. The benefits of this course of action were set out in the report and appendix and primarily related to substantial efficiency gains and an improvement in performance.

In presenting the report, the Head of Development Control advised that the present Scheme of Delegation was outdated and needed to be reviewed to take account of (1) the Council's Vision work whereby substantial savings had to be achieved and (2) to improve the Planning Service and its performance.

In the course of discussion, the Chairman expressed her view that the Committee had been given authority by the Council to make decisions relating to the Scheme of Delegation and, as such, should not abdicate that responsibility. This matter needed to be resolved so that officers could get on and implement the changes to improve the running of the Planning Department. Having been duly seconded, the Committee agreed to resolve the matter as set out in the report.

Members supported the recommendations but a concern was raised that the Town and Parish Councils needed to be informed and consulted. The Head of Development Control was able to advise that they would be notified of the changes and that officers would be willing to take calls, respond to emails or arrange meetings at the Civic Offices, as required.

The Committee then

RESOLVED – That

Recommendation (1)

To make amendments to the following part of the Constitution: Part 4, Section 2, Officer Scheme of Delegation to Director of Planning and Economic Regeneration Paragraphs 5.5. and 5.7 - additions are shown as **bold and underlined** and deletions are shown as ~~strikethrough~~:

DEVELOPMENT CONTROL & MANAGEMENT

5.5 Except in the circumstances set out in Paragraph ~~5.3.~~5.1 the determination of all matters for permission, consent, approval, agreement, opinion, **the issuing of directions, notices or orders,** authorisation to decline to determine and the setting of discretionary fees, whether by formal application or by correspondence under the terms of the following primary legislation:

- Town and Country Planning Act 1990 (as amended),
 - Planning (Listed Building & Conservation Area) Act 1990 (as amended),
 - Planning (Hazardous Substances) Act 1990 (as amended) ,
 - Environment Act 1995 (hedgerows),
 - Anti-Social Behaviour Act 2003 (High Hedges)
 - Localism Act 2011
 - **Housing and Planning Act 2016**
 - Town and Country Planning (General Permitted Development) Order ~~1995~~ **2015.**
 - ~~or~~ Any circular, direction or regulation (as secondary legislation) pertaining to the above together with any request for a consultation response from a Council or other body (inc Traffic Commissioners). ~~shall be delegated to a designated officer¹~~
- and also**

¹: A designated officer would include the Head of service down to and including team leaders to be recorded by letter from the Director Planning and Economic Regeneration to the designated officer a copy to be supplied and retained by Human Resources or the Head of Legal and Administration and Monitoring Officer

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~~5.7 The following shall also be delegated to a designated officer²:~~

- The development, management, making and implementation of a Planning Performance Agreement **including the agreement to accept payments for the purpose of covering the cost of any necessary additional and/or specialist work involved in progressing the above and/or back filling internal resources used for progressing the above. Authority to expend such payments as received for any or all of the above purposes.**
- Any matter related to the administration, processing, consideration, negotiation, consultation or notification of any matter submitted to the Council under the above primary legislation and any related secondary legislation. This shall also include any matters relating to the administration and execution of any Appeal process.
- The approval, issuing and publication of any technical reports, advice and guidance, including monitoring reports
- **W**here the application is from a Member or officer, **such application is** to be determined by the Director for Planning and Economic Regeneration in consultation with the Chairman of Development Control Committee

The Director of Planning and Economic Regeneration may further delegate any of the above functions to a designated officer¹:

5.5.1. Where one of the exemptions listed below applies, the application or matter will be determined by the Development Control Committee:

- ~~Any application which prior to its determination is subject to at least 5 or more written representations, each from a different person, or a petition of signatories from at least 5 different persons residing at different addresses, which are in conflict with the recommendation of officers.~~
- Any **Major or Minor**² application for planning permission which prior to its determination is subject to a written representation from a Parish Council, Town Council or formal Parish Meeting, which has been received within the consultation period and which is in conflict with the recommendation of Officers.
- Any application submitted by, or on behalf of the Council, ~~any elected Member or any current member of staff.~~

² **Major and Minor are defined in the Arun District Council's Local Validation Requirements list a copy of which is published on the Council's website.**

- Any 'Major' or 'Minor'² application as defined by the Department of Communities and Local Government which would create a new access or egress via the A27, A29, A284 and A259 roads.

~~5.7 The following shall also be delegated to a designated officer~~

- ~~• The development, management, making and implementation of a Planning Performance Agreement~~
- ~~• Any matter related to the administration, processing, consideration, negotiation, consultation or notification of any matter Submitted to the Council under the above primary legislation and any related secondary legislation. This shall also include any matters relating to the administration and execution of any Appeal process.~~
- ~~• The approval, issuing and publication of any technical reports, advice and guidance, including monitoring reports~~

Recommendation (2)

**To make amendments to the following part of the Constitution:
Part 8, Section 7 Planning Services Local Code of Conduct, by deleting the whole of Paragraph 11 as shown by strikethrough below**

11 REGULAR REVIEW OF DECISIONS

~~11.1 The relevant Committee will undertake an annual review of planning decisions which will include examples of:-~~

- ~~• major/minor developments~~
- ~~• departures from the Development Plan~~
- ~~• upheld appeals~~
- ~~• Listed Building works~~
- ~~• developments in Conservation Areas~~
- ~~• enforcement cases~~

~~The Development Control Committee (and others if necessary) will formally consider the review and decide whether it gives rise to the need to review any policies or practices.~~

(The meeting concluded at 6.15 p.m.)