

DEVELOPMENT CONTROL COMMITTEE

2 November 2016 at 2.30 p.m.

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

Councillor Ambler was also present at the meeting.

277. 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.

No declarations of interest were made.

278. MINUTES

The Minutes of the meeting held on 5 October 2016 were approved by the Committee and signed by the Chairman as a correct record.

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279. PLANNING APPLICATIONS

LU/202/16/PL – Retention of built fire escape staircase & 1st and 2nd floor windows to western elevation to three storey extension. This application affects the character & appearance of the Littlehampton Seafront Conservation Area, 7 Western Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/131/16/OUT – Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3 No. affordable housing units. This is a Departure from the Development Plan, Land between New Place Bungalow & Arundel Road, Angmering Having received a written report on the matter, the Committee was advised by the Planning Team Leader that Members had been copied into an email sent by Angmering Parish Council which requested a deferral of the application as legal advice was being sought on a site in Yapton similar to this proposal where the policies were supported by the Secretary of State. He was able to confirm that Counsel's advice had been received earlier in the day and, following consultation with the Council's own legal team, it was felt that it appeared to support the officer's view (as set out in the report) that the relevant policies in the Yapton Neighbourhood Plan and the Angmering Neighbourhood Plan (ANP), whilst similar, were fundamentally different. In summary, it was considered that Policies HD1 and HD2 of the ANP were out of date in accordance with the NPPG and NPPF where there was an absence of a 5 year Housing Land Supply.

The Committee also received a written report update which was circulated at the meeting and which the Chairman was comfortable with taking into consideration as it did not dramatically change the content of the original report or the recommendations. She requested the Planning Team Leader to present the update in detail.

The updated report took account of:-

1. An error in the 'Principle' section had been corrected when reference was made to the application as a 'Reserved Matters' application this should have read 'Outline'.
2. The 'Principle' section of the Conclusion to the report has been updated to provide additional clarity in relation to Policies HD1 & HD2 of the Angmering Neighbourhood Plan.
3. Policy HD2 added into relevant policy considerations in 'Policy Commentary' section.

4. Comments from ecology had now been received and included in the report.
5. Condition 11 had been amended to include the requirements of the ecology consultation response.
6. Informative 17 was added following the ecology consultation response.
7. Ecology Section of Conclusion updated to reflect the consultation response received.
8. Amended 'Section 106 Details' to include comment "figure and location of the public open space to benefit is to be confirmed by the Greenspace Department.
9. 2 x additional letters of representation were submitted to the Local Planning Authority on 31 October 2016 which requested a deferral of the application. A response was prepared to these letters and a copy provided in the 'Officer Comments on Reps' Section of the updated report.

The Head of Development Control and the Planning Team Leader explained to Members the issues around the appeal decision at the site in Yapton and why it was felt that the relevant policies in the two Neighbourhood Plans were not comparable. The Director of Planning Services & Regeneration was quite satisfied that the matter could be determined with conditions at this meeting.

In the course of debate some Members expressed serious concern that they were being asked to determine this application without having sight of the legal advice that had been received. The Head of Development Control read out at the meeting 2 relevant paragraphs of Counsel's advice to allay those concerns. However, it was proposed and duly seconded that the matter be deferred to enable Members to properly consider the legal advice received. Prior to the vote on that amendment, officer advice was given that the applicants would be within their rights to submit an appeal for non-determination and the Council would then lose control over conditions to be placed on any approval if the appeal was successful.

On the amendment to defer being put to the vote, it was declared LOST.

The Committee then turned to the substantive recommendation and

RESOLVED

That the application be approved as detailed in the report update and subject to a s106 legal agreement.

AL/48/16/PL – Variation of condition 4 imposed under AL/25/13 relating to permanent gypsy traveller use & removal of name "Mrs Sarah Keet", The Paddock, 5 Northfields Lane, Westergate Having received a report on the matter, together with the officer report update which advised on the status of the Aldingbourne

Subject to approval at the next Committee meeting

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Neighbourhood Plan and an amendment to condition 3 to add the word “occupation” after the word “use”, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to amendment of condition 3 to read:-

This permission does not authorise the use/occupation of the mobile home by any persons other than Gypsies and Travellers, as defined in paragraph 15 of Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites.”

AL/83/16/OUT – Outline application with all matters reserved for residential development of up to 8 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan. Resubmission of AL/8/16/OUT, Land south & west of Burnside & east of pond, Hook Lane, Aldingbourne Having received a report on the matter, together with the officer report update detailing an additional neighbour objection; the status of the Aldingbourne Neighbourhood Plan having recently passed referendum (and the fact that it did not alter the recommendation to approve); and mention with respect to the legal opinion already discussed under Application A/131/16/OUT, the Committee was divided in its view as to the suitability of this proposal in this location.

Members were reminded that this was an outline application for access and that officers would be able to negotiate with the applicant with regard to the internal layout of the site. Although views were expressed that Hook Lane was unsuitable for further development, no material planning reasons were put forward in the debate.

The Committee

RESOLVED

That the application be approved as detailed in the report.

(As the vote was tied, the Chairman used her casting vote to approve the application.)

280. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received and 2 appeals that had been heard.

(The meeting concluded at 3.45 p.m.)