

# **ARUN DISTRICT COUNCIL**

## **REPORT TO AND DECISION OF DEVELOPMENT CONTROL COMMITTEE ON 8 AUGUST 2018**

### **PART A : REPORT**

<b>SUBJECT: Re-consideration of planning applications following adoption of Arun Local Plan</b>
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<b>REPORT AUTHOR:</b> Neil Crowther, Group Head of Planning
<b>DATE:</b> 19 July 2018
<b>EXTN:</b> 37839
<b>PORTFOLIO AREA:</b> Planning

#### **EXECUTIVE SUMMARY:**

To ask for confirmation from Development Control Committee to re-consider planning applications that have been resolved to be granted planning permission but where decisions have yet to be issued.

#### **RECOMMENDATIONS:**

That Development Control Committee;

1. Note the need to reconsider the planning applications referred to in paragraph 7 of this report by way of an update report in light of the change in the development plan following the adoption of the Arun Local Plan.
2. Agree that, should those planning applications still be resolved to be granted planning permission, all planning conditions attached to applications be amended to include amended policy references from the Arun Local Plan 2011 – 2031.

#### **1. BACKGROUND:**

1. On 18 July 2018, the Arun Local Plan 2011 – 2031 was adopted. This replaced the Arun Local Plan 2003 as part of the development plan.
2. At that time, there were a number of planning applications that had been resolved to be granted planning permission but where planning obligations had not yet been completed. Therefore, no planning permission had been issued on these applications.
3. The new Local Plan 2011- 2031 changes the development plan and the policies by which planning applications are assessed against. Therefore, it is essential that the Committee is able to consider these undetermined applications against the amended development plan context. Naturally, all of those planning applications referred to in paragraph 7 below have referred to the policies in the emerging Local

Plan when making the original recommendation but for clarity, it is essential that these applications are re-considered in light of a change in the weight afforded to these policies and the fact that the policies in the 2003 Plan do not exist any longer.

4. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require local planning authorities to have regard to the development plan and determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
5. The resolution of Full Council in January 2017 is also relevant in the consideration of some of these applications in that it sought to increase housing supply in the short term by inviting applications on sites identified as 'deliverable' in the Housing & Economic Land Availability Assessment (HELAA). In November 2017, Full Council clarified this resolution to make it clear that it related to 'planning applications submitted 'until the Local Plan is adopted'. This means that this will be a consideration on planning applications that are undetermined at the time the Local Plan was adopted.
6. Further, the new National Planning Policy Framework was issued on 24 July 2018.
7. The following planning applications have been resolved to be granted planning permission by the Development Control Committee but a decision has yet to be issued. These will return to Committee for re-consideration:
  - Y/44/17/OUT - Stakers Farm, Yapton
  - LU/182/15/PL – Variation of Conditions, North Littlehampton
  - LU/278/17/RES – Lyminster by-pass southern section, North Littlehampton
  - LU/284/17/DOC – North Littlehampton
  - A/11/17/OUT – Retail Food store, A259
  - A/23/15/OUT - Retail Food store, A259
8. Based on the above, officers consider that it is necessary that;
  - When planning obligations on the above applications have been completed, officers will prepare a further update report that will consider the new planning policy context of the development plan and the Development Control Committee will be asked to consider this update and determine the application based on these amended requirements.
  - If the planning application remains resolved to be approved, officers will amend the contents of all planning decision notices on planning applications that have been resolved to be approved by the Development Control Committee to include reference to the Arun Local Plan 2011 – 2031.

## **2. PROPOSAL(S):**

See Recommendations above

## **3. OPTIONS:**

To not re-consider these applications would mean that the Council has made a

decision, following the adoption of the Local Plan, that have not given those policies full weight as part of the development plan.		
<b>4. CONSULTATION:</b>		
Has consultation been undertaken with:	<b>YES</b>	<b>NO</b>
Relevant Town/Parish Council		x
Relevant District Ward Councillors		x
Other groups/persons (please specify)		x
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		x
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x
<b>6. IMPLICATIONS:</b>  Positive in that the Council will be taking decisions that are robust and not open to a legal challenge on the grounds that the correct policies have been considered in the determination.  Officer time in preparing update reports.		
<b>7. REASON FOR THE DECISION:</b>  In order that the Council are able to take robust decisions on planning applications in accordance with the requirements of national planning legislation.		
<b>8. BACKGROUND PAPERS:</b>  None.		