

DEVELOPMENT CONTROL COMMITTEE

3 July 2013 at 2.30 p.m.

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

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

92. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Bower, Charles, Haymes and McDougall.

93. 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.

Councillors Brooks declared a prejudicial interest in Agenda Item 8, Planning Application BR/92/13, as the premises were in his ward and he had a long association with the family of the owner. He stated he would exercise his right to

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comment on the application before leaving the meeting during its consideration by the Committee.

94. MINUTES

The Minutes of the meeting held on 5 June 2013 were approved as a correct record and signed by the Chairman, subject to deletion of Councillor Mrs Goad as being in attendance.

95. PLANNING APPLICATIONS

AL/32/13 – Construct vehicle access from Hook Lane previously permitted AL/24/02, Barnside, Hook Lane, Aldingbourne Having received a report on the matter, together with the officer's written report update detailing further letters of objection received and verbal advice that an informative should be added to the decision to make the applicant aware of potential protected species on the site, the Committee was reminded that twice before permission had been granted for an additional access to this site.

The Committee participated in detailed discussion about the need for this access as common knowledge indicated that the site was going to be opened up for development. However, it was accepted that that could not be taken account of and consideration could only be given to what was on the table. Members expressed concerns in respect of the removal of the hedgerow and that the proposal could be classed as an overdevelopment given the rural location. A short adjournment to the meeting was requested to enable officers to clarify the width of the access on the previous applications as it was felt that this new application was excessive for the locality. Confirmation was given that the drawing submitted for this application was the same as for the 2002 approved application.

The Committee

RESOLVED

That the application be approved as detailed in the report, subject to the addition of a further informative as follows:-

INFORMATIVE: The Ecological Survey submitted with application AL/39/13 shows the presence of Greater Crested Newts within the pond at Barnside.

Greater Crested Newts are protected under European and UK law. They are also a Species of Principal Importance in England under Section 41 of the natural Environment and Rural Communities (NERC) Act 2006 and are listed as a priority species within Sussex.

Greater Crested Newts are protected under Section 41 of the Conservation of Habitats and Species Regulations 2010, which transposes into UK law the EC Habitats Directive (92/43/EEC). This species is also afforded full protection under Schedule 5 of the Wildlife and Countryside Act 1981 (WCA)(as amended). Greater Crested Newts are protected under these laws from killing, harm or disturbance as well as protecting their shelter, resting and breeding places.

AW/63/13 – Single storey extension and detached garage, 14 Greyfriars Close, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/43/13 – Construction of oak framed garden treatment and new garden shed. This application affects the setting of a Listed Building, The Old Cottage, Station Road, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/44/13/L – Application for Listed Building Consent for the construction of an oak framed garden treatment room and new garden shed, The Old Cottage, Station Road, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Brooks had declared a prejudicial interest and he exercised his right to speak before leaving the meeting. He took no part in the debate or vote.)

BR/92/13 – Demolition of existing conservatory and erection of single storey extension with separate 1st storey extension, Autumn Lodge Residential Home, 172 Aldwick Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional representation received and verbal comment that the reason this application was included in the Agenda was because it was a Member's application, the question was asked whether a planting and landscaping condition could be applied to any approval. Officer advice was

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given that any such condition would be inappropriate and the felling of the trees on the site was a private matter for the neighbour to take up.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/37/13 – Single storey rear and side extensions, and loft conversion to create 2 No. additional bedrooms and shower room. New dormers to front, side and rear elevations, 1 Worthing Road, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/47/13 – Detached double garage under pitched parapet roof to front of property. New bay window to front to match existing bay windows. Resubmission of EP/11/13, 51 Angmering Lane, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following item, Councillor Bower declared a personal interest as Chairman of the Trustees of the hall in close proximity to the application site. He remained in the meeting and took part in the debate and vote.)

EP/59/13 – Change of use from A1(shops) to daytime tea room, 45 Sea Road, East Preston Having received a report on the matter, together with the officer's written report update detailing a response from the Parish Council, additional letters of objection and amendment to Condition 4, comment was made that the ramp outside the shop needed to be DDA compliant (Disability Discrimination Act) and it was agreed that an informative to that effect would be attached to the conditions. The Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to an informative as follows:-

INFORMATIVE: This permission conveys consent under planning legislation only. However, acceptable pedestrian access into the tea room would be controlled by the associated building regulation application. The applicant is advised that as part of that application, they are expected to submit an access statement showing how access into the tea room is proposed.

EP/111/12 – Demolish 1 house (60 Sea Lane); partially demolish 1 house (45 The Ridings); construct 3 detached houses; alterations and extensions (45 The Ridings), 45 The Ridings and 60-62 Sea Lane, East Preston Having received a report on the matter and following some discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/25/13 – Provision of a drop kerb, 1 Hall Cottages, Barnham Road, Eastergate Having received a report on the matter and following some discussion, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/61/13 – Loft conversion, single storey rear extension and new chimney, 24 Gorse Avenue, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/70/13 – Erection of free standing garage unit, 8 Manning Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/114/13 – Demolition of existing buildings and erection of a retail (Use Class A1) unit with associated servicing and car parking. Resubmission of R/63/13, 1-5 Ash Lane and 124 The Street, Rustington Having received a report on the matter, a short adjournment was called to enable Members to read the detailed written officer report update which summarised additional representations received; corrections to

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the report; County Highways comments; and an additional reason for refusal regarding access to the site.

Following the Planning Team Leader's presentation, the Committee participated in detailed discussion around the merits of the application and particular comment was made that the Council was committed to encouraging the vitality of Rustington centre. The Head of Development Control stated that the principle of the development of the site was not an issue, rather the size and design was considered to be more suitable for an out of town style rather than a village setting. In addition, the floor space would more than double and there would inadequate space for service deliveries to the retail unit.

Support was expressed for the proposal. However, issues were raised in respect of access and egress to the servicing area of the site and this was seen as particularly problematic due to the present road layout, parking for customers and pedestrians in the vicinity. It was therefore suggested that the matter be deferred to enable officers to undertake further investigation of the highways issues with the applicant and County Highways.

The Committee

RESOLVED

That the application be deferred to enable officers to further investigate the highways issues with the applicant and County Highways.

Y/30/13 – Outline application with some matters reserved for 34 dwellings including 30% (10 No.) affordable, with access and ancillary works. (Resubmission following Y/10/13). This is a Departure from the Development Plan, Land south of Fellows Gardens, Yapton Having received a report on the matter, together with the officer's written report update detailing further letters of representation received and correspondence from the applicant, the Senior Planner further reminded Members that, in the absence of an up to date Local Plan, the NPPF (National Planning Policy Framework) gave advice of a presumption in favour of development. Furthermore, it was considered that the applicant had listened to the Committee and had addressed the concerns raised by way of the refusal reasons given for the previous application.

The Housing Strategy and Enabling Manager also contributed to the debate by stating that the applicant had presented a scheme which was compliant with the Council's Affordable Homes Policy and, if approved, the Council would look to negotiate the tenure mix with the relevant partners. He advised that 1100 households were on the Housing Register and this scheme would provide a welcome contribution to a very clear need in the District.

Officers reminded Councillors that when the scheme was previously considered, the application was not refused on matters of principal and only technical issues relating to public open space, suitable pedestrian access and drainage were identified as being unacceptable.

In the course of discussion, concerns were raised in respect of local health facilities and education and the Senior Planner commented that these were County Council issues.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

96. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and one appeal that had been heard.

97. PROPOSED VALIDATION LIST

The Head of Development Control presented this report which requested approval of the revised validation list, to come into force with immediate effect, following the public consultation period.

Following consideration, the Committee

RESOLVED – That

- (1) the revised Local Validation List (Appendix A), the Local Validation Checklist (Appendix B) and the Biodiversity Checklist, together with its guidance notes (Appendix C&D) be approved; and
- (2) the Local Validation List and associated documents be viewed as a live document and the Head of Development Control to make revisions to the list when required.

(The meeting concluded at 6.00 p.m.)