

DEVELOPMENT CONTROL COMMITTEE

25 July 2012 at 2.30 pm

Present : Councillors Mrs Maconachie (Chairman), Mrs Hall (Vice-Chairman), Bower, Mrs Bower, Mrs Bowyer, Charles, Evans, Mrs Goad, Haymes, Mrs Hazlehurst, McDougall and Mrs Stainton.

Councillors Brooks, Chapman and McIntyre were also present for part of the meeting.

179. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors R. Brown, Northeast and Steward.

180. 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.

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Councillor Haymes declared a personal interest in Agenda Item 6, Planning Application Y/48/11 as the Chairman of Yapton Parish Council. He stated that he had taken no part in any deliberations on the matter and that he reserved his right to speak to the item.

Councillor Haymes also declared a personal interest in Agenda Item 8, Planning Application CM/2/12 on four counts, i.e.

- (1) he attended the meetings of Climping Parish Council as Ward Member and knew the applicant as a member of that parish council;
- (2) he had consistently stressed the importance of the Climping Gap and had pledged to protect it. However, this was not the kind of development he was anticipating;
- (3) he had attended a planning meeting of Climping Parish Council and a public meeting held to discuss the application and had spoken at both to clarify the planning procedure and correct statements and assertions made. He stated that on neither occasion had he expressed an opinion on the application; and
- (4) he was a member of the British Holiday and Home Parks Association as the owner of a residential caravan park.

Individually the interests were personal but he sought legal advice at the meeting as to whether collectively they could be seen as a prejudicial/pecuniary interest. The Planning Solicitor advised that, in his view, they could indeed be deemed to be prejudicial when taken together and Councillor Haymes stated that he would leave the meeting during consideration of the application and would not reserve his right to speak.

Councillor Mrs Hazlehurst declared a prejudicial/pecuniary interest in Agenda Item 8, Planning Application LU/59/12 as one of the objectors was a personal friend. She stated that she would leave the meeting during its consideration. She also declared a personal interest in Planning Application FG/68/12 as the agent had carried out some work for her on a personal basis.

Councillor McDougall declared a personal interest in Agenda Item 8, Planning Application BE/45/12 as a member of Bersted Parish Council.

181. MINUTES

The Minutes of the meeting held on 27 June 2012 were approved as a correct record and signed by the Chairman, subject to amendment of the page numbers to 57-65 and the minute numbers to 88-93.

182. PREVIOUSLY DEFERRED APPLICATIONS

(Prior to consideration of the following application, Councillor Haymes redeclared his personal interest and remained in the meeting and took part in the debate and vote.)

Y/48/11 – Demolition of existing public house and erection of 14 dwellings, including 2 affordable dwellings with associated works. (Departure from the Development Plan), The Lamb Inn, Bilsham Road, Yapton This application had been deferred from the meeting held on 27 June 2012 “for further negotiations with the applicant regarding the loss of the Lamb Inn public house, unneighbourly impact on The Well House, the design where entrances abut the highway and overdevelopment of the site”.

The applicant had addressed the issues, as detailed in the report, and the Committee then considered the comments put forward in some detail. Members still expressed concern that:-

- The development adversely impacted on the amenity of The Well House.
- The front doors of properties opening straight onto the highway was unacceptable
- The layout of the development was wrong, particularly for young families
- A Member comment was made that the proposal was out of character and unsympathetic to the local environment
- Reference in the officer report update dated 22nd June 2012 to an appeal decision for 100 dwellings at The Woodgate Centre, Westergate, that the Council had no more than a 4.7 years land supply was irrelevant because the Council did in fact have 5.8 year land supply.

The Head of Development Control and the Planning Team Leader advised Members that officers had worked with the applicant on the scheme to retain a sympathetic and traditional feel to reflect the historical visual appearance the public house had had on the street scene. In addition, they felt there was no problem with some of the houses having no defined front garden area and reiterated that County Highways had raised no objection.

However, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

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The proposed buildings fronting Bilsham Road, by reason of their layout, prominent forward position and siting would represent a visually intrusive, unsympathetic and uncharacteristic feature within the street scene and would give rise to an overbearing and unneighbourly impact on The Well House, to the detriment of the amenities of that property. This would be contrary to Policy GEN7 of the Arun District Local Plan (2003) and the National Planning Policy Framework (2012).

183. PLANNING APPLICATIONS

AL/29/12 – Change of use from agricultural/equestrian to provide a pitch and a mobile home for a permanent Gypsy and Traveller Use (This is a Departure from the Development Plan), Land at Limmer Pond Stable, Church Road, Aldingbourne Having received a report on the matter, the Committee participated in a detailed debate and views were expressed that a “need” for this application had not been demonstrated. The Council did have a duty to provide a certain amount of sites for those in need but if applications were approved carte blanche that would detrimentally affect those who were in genuine need.

Following consideration, the Committee did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

“The Local Planning Authority is not satisfied that the applicant has demonstrated sufficient need to permit the siting of a caravan for Gypsy and Traveller use outside of the built up area in a countryside location, which would be contrary to Policy GEN3 of the Arun District Local Plan (2003).

AW/80/12 – New 4 bedroom detached dwelling with integral garage and new front boundary treatment, demolition of existing single garage – Resubmission of AW/317/11, 28 Kingsway, Craigweil Having received a report on the matter, the meeting was advised that this application had been withdrawn from the Agenda.

A/29/12 – Change of use of vacant building from family activity centre (D2) to restaurant/café (A30 with ancillary food preparation/packaging (B1), farm shop (A1) and hot food takeaway (A5). Minor amendments to northern elevation. (Resubmission following A/120/11), Rustington Golf Centre, Golfers Lane, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/41/12 – New dwelling (amendment to AB/121/11), 55-57 High Street, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/78/12 – Application for Minor Material Amendment following planning approval AB/56/10 to install velux windows in lieu of approved dormers, 27A Tarrant Street, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

(Prior to consideration of the following application, Councillor McDougall redeclared his personal interest. He remained in the meeting and took part in the debate and vote.)

BE/45/12/A – 3 no. non-illuminated car park signs, 2 No. non-illuminated entrance signs and 1 externally illuminated gantry sign, Rising Sun, 349 Chichester Road, Bognor Regis Having received a report on the matter, Members were concerned that the siting of the gantry sign was detrimental to the amenity of the immediate neighbour. The Committee therefore

RESOLVED

That the application be deferred for officers to negotiate the resiting of the gantry sign with the applicant.

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BR/95/12 – To insert a second clock face to the south facing side of the town hall clock tower to match existing face on the north facing side of the building, The Town Hall, Clarence Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/10/12/L – Application for listed Building Consent to insert a second clock face to the South facing side of the Town Hall clock tower to match existing, The Town Hall, Clarence Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Councillor Brooks spoke to the following application as Ward Member and, in doing so, declared a personal interest as a substitute member of this Committee and a member of the Bognor Regis Town Council Planning Committee.)

BR/107/12 – Demolition of conservatory, external stair & store. Conversion of 2 No. garages, ancillary areas behind garages and living accommodation on first floor to form one 4 bedroom semi-detached unit, 33 & 35 Shelley Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a consultation response from the Council's Engineers, concerns had been raised that the applicant might wish to use the property as a HMO (House in Multiple Occupation) and a Member request was made that an additional condition be placed on any approval to ensure the proposal would be used as a family home only. However, legal advice was given that that would be unlawful.

In considering the matter further, concerns were raised in respect of the parking provision for the new dwelling. Officer advice was given that there would be two off street parking spaces, which was acceptable in planning terms, and the Ward Member also reiterated that there was sufficient room for parking to the front of the building. However, it was proposed and duly seconded that a site visit should be undertaken to assess the parking situation and the Committee

RESOLVED

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

(Prior to consideration of the following application, Councillor Haymes redeclared his personal interests which, collectively, became prejudicial/pecuniary and he left the meeting and took no part in the debate or vote.

Councillor McIntyre spoke to the application in his role as Ward Member and declared a personal interest as a resident of Climping.)

CM/2/12 – Proposed farm diversification scheme for the development of a 134 pitch touring caravan park with a facilities building and toilet block, together with landscape planting and environmental improvements. Departure from the Development Plan, Ryebank Farm, Grevatts Lane, Climping Having received a report on the matter, together with the officer's written report update detailing corrections to the agenda report and additional representations received, and a verbal update that, since the agenda had been prepared, information had been received that the proposal was no longer in a zone likely to flood, having been redesignated from flood zones 2 and 3 to flood zone 1, Members participated in a full debate around the merits of the proposal.

Comment was made that the advantages of the proposal in relation to the benefits for tourism were far outweighed by the damage that would be done to unspoilt countryside and to the highly prestigious tourist attraction of Bailiffscourt Hotel, which was immediately adjacent to the site. It was felt that the application would be an intrusion in the Climping Gap and, as such, was in conflict with saved Policies GEN3, AREA10 and DEV39 of the Local Plan and, in addition, one of the pillars of the emerging Local Plan was the maintenance of strategic gaps throughout the District.

Highways issues were cited as being of concern but officer advice was given at the meeting that County Highways had raised no objection to the proposed development following negotiations with the applicant and subject to conditions being attached to any approval, as detailed in the report. Further comments were made that the Tourism Officer had not demonstrated the need for a touring caravan park in the area.

Following consideration, the Committee did not accept the officer recommendation to approve and

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RESOLVED

That the application be refused for the following reasons:-

1. The application would conflict with Policy DEV39 of Arun District Local Plan in that it would conflict with criteria (i)-(iv), in particular criteria (iii) because the site, by reason of its size and location and the intensity of the use, is not acceptable environmentally.
2. The proposed touring caravan park, by reason of its size, location and intensity of use would cause harm to the objectives of the Littlehampton and Middleton on sea Strategic Gap and harm the openness and character of the countryside, contrary to Policies GEN2, GEN3 and AREA10 of the Arun District Local Plan.

EP/51/12 – Change of use from vehicle servicing depot (B2 General Industry) to form building supplies merchants (A1 Shops) (this application is a dual parish with Angmering), East Preston Depot, Station Road, East Preston
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/54/12 – Room in roof with hip to gable and front and rear dormers, 28 Vermont Way, East Preston Having received a report on the matter, Members voiced concerns that the proposal was too big and bulky and was out of keeping with bungalows in the area. It was felt that it was out of character and detrimental to the amenities of the neighbours. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

The extensions by reason of their design and scale would fail to appear visually integrated and subservient to the host dwelling, detrimental to the established character and appearance of the existing area and the host dwelling. The proposal is therefore contrary to Policies GEN7 and DEV19 of the Arun District Local Plan.

EG/34/12 – Change of use from a florist (A1 Shops) to a coffee bar (A3 Restaurants & Cafes), 21 The Square (kiosk), Barnham Having received a report on the matter, some concerns were raised regarding the internal layout but Members were advised that that would be controlled by building regulations. The Committee

RESOLVED

That the application be approved as detailed in the report.

FG/42/12 – Use of polytunnels for storage, Land north of Hill View Nursery, A259, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

FG/67/12 – Change of use of ground floor from B1a (Business) to A1 (Shops), to include new pair of external doors at rear, 28 Ferring Street, Ferring 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 Mrs Hazlehurst redeclared a personal interest and remained in the meeting and took part in the debate and vote.)

FG/68/12 – Change of use of land to be used in conjunction with 37 St Osmund Road and erection of 1 No. detached timber garage, Land to the East of Paddocks End, 37 St Osmund Road, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

K/4/12 – Remove existing rear single storey, garage, car port roof & conservatory. New single storey with external veranda and decking to perimeter. New windows to front, rear and side elevations. New partial boundary wall to meet new electric doors to entrance drive and new external weatherboard cladding, Counterpoint, 52 Coastal Road, East Preston Having received a report on the matter, the Committee

Subject to approval at the next Committee meeting

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RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Mrs Hazlehurst redeclared her prejudicial/pecuniary interest and spoke to the item before leaving the meeting. She took no part in the debate or vote.)

LU/59/12 – Redevelopment of the site comprising the conversion and extension of the existing semi-detached dwellings to provide a total of 13 no. flats, together with associated parking and landscaping. Resubmission following LU/354/11, 118 Wick Street, Wick, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/124/12 – Proposed conservatory extensions to existing ground floor bedrooms, alterations to 1st floor windows to include Juliet balconies and rearrangement of existing roof on the Church Street elevation, Oakland Grange, St Floras Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/128/12 – Two storey side extension. Resubmission of LU/56/12, 92 Greenfields, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

PA/10/12 – Permanent stationing of residential mobile home for settled gypsy accommodation and use of building for ancillary purposes. Departure from the Development Plan (this application lies within the South Downs National Park Authority), The Wood Yard, France Lane, Patching Having received a report on the matter, the Committee was advised that this application had been withdrawn from the Agenda.

(In considering the following application, Councillor Mrs Bowyer declared a personal interest as she was a former employee of Sainsburys.)

R/59/12 – Demolition of existing foodstore. Construction of A1 Class retail foodstore, service yard, covered customer car park and landscaping improvements, Unit C, Rustington Retail Park, New Road, Rustington Having received a report on the matter, together with the officer's written report update detailing further information on the S106 agreement; an additional representation and consultation response received; errors and omissions to the agenda report; and an update to the conditions, the Committee

RESOLVED

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

R/60/12 – Temporary use of former Focus retail unit as Class A1 food store for the period of 18 months, Unit A, Rustington Retail Park, New Road, Rustington Having received a report on the matter, together with the officer's written report update detailing corrections to the agenda report and amendment of conditions, the Committee

RESOLVED

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

184. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 2 appeals that had been heard.

185. RECOMMENDATIONS FROM HOUSING & PLANNING WORKING GROUP – 13 JUNE 2012 – RE PRE-APPLICATION PLANNING ADVICE AND REVIEW OF ENFORCEMENT SERVICE

The Head of Development Control presented the Minutes of the meeting of the Housing & Planning Working Group held on 13 June 2012 which had put forward recommendations to this Committee in respect of Reviews of the Pre-application Advice Process and the Enforcement Service. Members were advised that recommendation 1 relating to Pre-Application Planning Advice was in fact incorrect and should read "The Council will not charge commercial applicants or food retailers under 500 sq m."

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Following consideration, the Committee accepted the recommendations, subject to the amendment detailed above and

RESOLVED – That

Pre-Application Planning Advice

(1) the Council will not charge commercial applicants or food retailers under 500 sqm;

(2) the Council has discretion to waive any fees as other exemptions may apply;

(3) recommendations (1) and (2) be reviewed in one year; and

(4) a Bognor Regis Steering Group be established along the lines of the one for North Littlehampton to consider proposals in the town centre (major applications only)

Review of Enforcement Service

(5) a small sample of new developments be checked to establish exactly what is the level of risk of new developments not being completed in accordance with the approved plans and conditions; and

(5) as part of an initiative to improve the appearance of the District, all Members be invited to identify at least one building or piece of land in their Ward which is unsightly and for which landowners should be encouraged (if necessary by formal action) to undertake remedial works.

186. E.ON CONSULTATION UNDER S42 OF THE PLANNING ACT 2008 REGARDING A PROPOSAL FOR AN OFF-SHORE WINDFARM AND ASSOCIATED INFRASTRUCTURE (RAMPION)

The Senior Planner presented a report which set out a suggested response to a proposal from E.On for an off-shore wind farm 13 km off the Sussex coast which, when constructed, would be visible from parts of Arun's coastline.

Following consideration, the Committee

Subject to approval at the next Committee meeting

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RESOLVED

That the response as set out at Appendix A to the report be agreed as the Council's response to the E.ON Rampion s42 consultation.

187. REVIEW OF PLANNING WEEKLY LIST PUBLICITY FOR NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA

The Committee received a report from the Technical Support Unit Officer which requested that approval be given to cease the advertising of notifications for works to trees in a Conservation Area in a local newspaper, for the reasons detailed in the report.

Following consideration, the Committee

RESOLVED

That the Council stops advertising notifications for works to trees in a Conservation Area in a local newspaper but continues to display a site notice and list the application for information on the Council's website

(The meeting concluded at 7.20 pm)