

DEVELOPMENT CONTROL COMMITTEE

15th June 2011 at 2.30 p.m.

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

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

68. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Maconachie.

69. DECLARATIONS OF INTEREST

There were no declarations of interest made.

70. MINUTES

The Chairman stated that this item would be dealt with as the last item on the Agenda to give Members time to read the Minutes as they had been circulated at the meeting.

71. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 1 appeal that had been heard.

72. WITHDRAWN APPLICATION

The Chairman advised the meeting that Planning Application AW/102/11 had been withdrawn from the Agenda.

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73. PLANNING APPLICATIONS

(Councillor Dingemans, as Ward Member, spoke to the following application prior to its consideration.)

WA/29/11 – Application for removal of conditions 2 & 3 following grant of planning permission WA/70/68, Lake Lane Nursery, Park Road, Barnham
Having received a report on the matter, together with the officer's written report update detailing County Highways response to the applicant's statement, the Committee participated in a full discussion around the proposal.

Prior to that discussion, the Appeals Officer reminded Members that the proposal was to delete two conditions imposed in 1968 on the building known as the 'packing shed' at Lake Lane Nurseries. Condition 2 related to the use of the building to be for purposes incidental to the cultivation of the site for agricultural or horticultural purposes only whilst Condition 3 required that, if the building ceased to be used for agriculture or horticulture, then it should be demolished. As he felt the officer report update was critical to the consideration of this application, he also read that out at the meeting.

The Appeals Officer advised Members that the main occupier of the building was Stuart Lyons Haulage who only handled horticultural products and, whilst a large proportion of the goods traded from the site were not grown at source, the application was considered to be acceptable for the following reasons:-

(1) The conditions were not compliant with current Government policy on (a) Government guidance in Circular 11/95 entitled "The Use of Conditions in Planning Permission" and (b) the principles for agricultural development outlined in Planning Policy 7 entitled "Sustainable Development in Rural Areas".

(2) The building had been significantly enlarged since it was first erected and on each occasion these extensions had not been encumbered with similar conditions. This proposal would therefore bring the application building in line with the main body of the building. It was felt that it should be noted that the occupiers could vacate the application building and carry on trading as they were on the other, larger part of the building.

(3) There would be no highway intensification of the site. The current levels of highway movements would not increase as a result of removing the conditions.

(4) Permission would not mean that the site would no longer be used for horticultural/agricultural purposes and allow it to be used as an unrestricted haulage depot. Stuart Lyons Haulage was a company dealing with horticultural products only and if other non horticultural/agricultural haulage commenced it would be unauthorised and planning permission would be required.

The Appeals Officer stated that, in the view of officers, there were no valid reasons for refusal as there was not going to be any material change on the site and the application was simply to regularise the situation. Further advice was given by the Planning Solicitor regarding the scope of what could be considered in relation to the proposal.

In debating the matter, views were put forward that this application should not be supported until such time as the issue of access to the site via the B2132 was resolved as the use of Lake Lane for HGV movements was totally unsuitable and was preventing local residents the right to peaceful enjoyment of their homes. A proposal was put forward that the application should be deferred to enable negotiations to be undertaken with the applicant regarding a new access road to try to resolve the situation. In response, the Head of Development Control stated that a deferral was not a basis on which to have negotiations at this time – that should be for any future application and this application should be determined at the meeting, particularly as it was likely that the applicant would appeal for non determination.

Members were reminded that the building had been extended a number of times without the conditions in question being applied to those extensions and that Condition 2 had in fact not been complied with since 1970.

Following further discussion which encompassed the consultation response from County Highways, a need for a traffic survey in the immediate vicinity of the site and the historical context of Members' concerns, the Appeal Officer highlighted that, in his experience, Inspectors paid particular attention to the 6 tests set out in Circular 11/95 and where conditions did not comply with these tests, appeals were dismissed. The Head of Development Control pointed out that a traffic survey would only identify an existing situation but would not identify any changes in traffic levels as the proposal did not include any extensions. In his view the removal of the conditions would have a neutral effect.

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

Subject to approval at the next Committee meeting

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RESOLVED

That the application be deferred for further negotiations with the applicant regarding a new access road to the site.

M/28/11 – Two storey side extension, single storey side porch and single storey infill. Rear extension and balcony, 3 The Jetty, West Drive, Elmer, Middleton on Sea Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/92/11 – Removal of single storey rear extension, new 2 storey rear extension and pitched roof porch canopy to front elevation, 69 St Marys Close, Littlehampton Having received a report on the matter and verbal advice this was a staff application, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/102/11 – Single storey pitch roof porch extension to front elevation, 38 Wychwood Close, Craigweil, Bognor Regis Having received a report on the matter, the Committee had been advised this application had been withdrawn from the Agenda.

74. MINUTES

The Minutes of the meeting held on 26th May 2011 were approved as a correct record and signed by the Chairman, subject to “**were**” under Minute 24, Planning Application Y/81/10, last line of first paragraph, being amended to “were” (not bold type).

(The meeting concluded at 3.40 p.m.)