

Subject to approval at the next Committee meeting

411

DEVELOPMENT CONTROL COMMITTEE

12th January 2011 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Biss, Bower, Mrs Bower, Butler, Evans, Mrs Harrison, Haymes, Mrs Hazlehurst, Mrs Maconachie, Mrs Olliver, Mrs Stainton, Steward and Wiltshire.

[Note: Councillor Butler was absent from the meeting during consideration of the matters referred to in Minutes 560 to 563 (part – up to Planning Application WA/90/10).]

560. DECLARATIONS OF INTEREST

Councillor Haymes gave notice of a personal interest in Agenda Item 9, Planning Application Y/87/10, as Chairman of Yapton Parish Council. He stated that he would abstain from voting.

561. MINUTES

The Minutes of the meeting held on 9th December 2010 were approved as a correct record and signed by the Chairman.

562. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 6 appeals that had been heard.

The Strategic Development Planner advised the Committee that, in respect of Application FG/23/10, Jenkins Yard, Glenbarrie Way, Ferring, the applicants had challenged the decision of the Inspector to dismiss the appeal. The applicants were of the view that the Inspector had failed to include reference to the South East Plan; that no account had been taken of the housing land supply figures; and that the strategic gap policy was out of date. The challenge had been made to the High Court and at this moment in time it was not known how it was going to be dealt with and whether it would be contested.

The Strategic Development Planner also took the opportunity to give Members a brief verbal update on the decision of the Inspector in relation to

Development Control
Committee – 12.01.11.

an appeal that had been heard regarding Angels Nursery, Barnham. That appeal had been upheld and the Council had only been notified of the outcome on 6th January 2011, which meant that a written report could not be included in the agenda for this meeting. A full report would be prepared for consideration by the Committee at the meeting on 9th February 2010.

563. PLANNING APPLICATIONS

Y/87/10 – Erection of garden shed, Privett, Yapton Road, Barnham
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/90/10 – Change of use of a store to a single dwelling with a porch extension and one additional window to north and west elevations and to east facing roof slope, Walberton House, The Street, Walberton Having received a report on the matter, together with the officer's written report update detailing a further representation received and additional conditions relating to car parking and screening of the bin and cycle store, the Committee

RESOLVED

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

LU/339/10 – 3 No. detached dwellings with garages including a replacement garage to 18 Mill Lane (this is a departure from the Development Plan), 18 Mill Lane & Land adjacent to 18 Mill Lane, Littlehampton Having received a report on the matter (which was circulated separately to the published agenda), together with a site plan which was circulated at the meeting and a verbal correction that the site was **not** on previously developed land as stated in the report, the Committee participated in debate on the matter and

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

413

Development Control
Committee – 12.01.11.

LU/341/10 – Single storey extension to rear forming part of improvements to owner's accommodation, East Beach Guest House, 71 South Terrace, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/353/10 – Replacement of existing wooden window frames with 11 new white PVCu double glazed windows and replacement of french doors with new white PVCu doors, 5 The Waterside, River Road, Littlehampton Having received a report on the matter, together with the officer's verbal advice that, under the section Development Plan and/or Legislative Background as detailed in the report, there was no listed building close enough to have its setting affected and the Committee then

RESOLVED

That the application be approved as detailed in the report.

LU/354/10 – Single storey infill extension, 1 Mountbatten Court, Littlehampton Having received a report on the matter and verbal advice from the Planning Team Leader that this site was part of Council owned land, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/144/10 – Replacement agricultural dwelling and garage, North Barn Nursery, Littlehampton Road, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control
Committee – 12.01.11.

FP/225/10 – Single storey side extension, 66 Glynde Crescent, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a response from Felpham Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/63/10 – Revised application for redevelopment of land to provide for the erection of 13 new dwellings to include 4 x 2 bed semi-detached houses, 4 x 3 bed semi-detached houses, 4 x 4 bed detached houses and 1 x 5 bed detached house, together with associated access, car parking and landscaping (resubmission of planning ref: EG/4/10), Greenoaks, Barnham Road, Barnham Having received a report on the matter, the Committee was also circulated with a copy of the appeal decision pertaining to the development immediately north of the application site, planning application EG/15/07, as it was felt that the information contained therein was relevant to consideration of this application.

The Committee was also reminded that a previous application on this site, planning application EG/4/10, had been refused and was currently at appeal.

Members received a comprehensive presentation from the Planning Team Leader which covered matters relating to flooding; sewerage; the proximity of the development to the trees on the boundary; residential amenity; highways issues; and the character of the area. The Council's Arboriculturist was in agreement with the removal of the Leylandii screening to the west of the site and considered that replacement with a mixture of native species would, in time, provide a much better visual screen. Advice was given regarding the pertinence of the Inspector's appeal decision in respect of EG/15/07 (the development immediately to the north) to this application being considered today. The Environment Agency (EA), Southern Water (SW), County Highways and the Council's own Engineers had raised no objection to this proposal. Any approval would be subject to a S106 Agreement for the provision of public open space and other infrastructure requirements.

With regard to the previous application on this site, which was now due to be heard at appeal, the meeting was advised that it was felt that the applicant had addressed the reasons for refusal in this new application. A drainage strategy had been provided and the point was reiterated that the EA, SW and the Council's own Engineers had raised no objection to the proposal.

The Committee then participated in a full debate which raised a number of concerns relating to backland development; sewerage and flooding; over density; and the recent appeal decision at Angels Nursery, Barnham. Further comments were made that the proposal would be an intrusive development in the countryside; harmful to the visual amenity of the area; the loss of tree screening would adversely affect the Local Gap; and that 13 houses were being shoe horned in behind 5. Strong views were also expressed that, despite no objection being raised by the relevant parties, the problems of flooding and drainage were still very real and local residents were continually having to endure sewage contamination and flooding at times of heavy rain. Members believed this was not acceptable and must be addressed by the EA and SW.

In respect of the recent appeal decision for 95 houses at Angels Nursery, Barnham, this had been raised because the appeal had been upheld and the Inspector had specifically commented that the Council's 5 year housing land supply was insufficient, which could put pressure on how applications were determined in the future. Mention was made that the Council had in place a policy regarding a moratorium on development in the 5 Village Area and there was concern what effect the appeal decision would have on this, together with the fact that the report on the table did not reflect this policy.**

A suggestion was put forward that consideration of the application should be deferred to enable further evidence to be submitted to support Members' concerns regarding flooding and sewerage and in light of the moratorium. However, following strong advice from the Head of Development Control and the Planning Team Leader, and after being duly seconded and being put to the vote, the motion was declared LOST.

On taking the vote, the Committee did not agree with the officer recommendation to approve and the Chairman then called a 15 minute adjournment to enable officers to formulate reasons for refusal based on the foregoing debate.

**On the meeting being reconvened, the Cabinet Member for Planning advised that the moratorium on development in the 5 Village area mentioned previously was in fact not a policy of the Council – a decision had only been taken by Full Council that a draft Supplementary Planning Document be prepared regarding this matter. The Planning Solicitor also provided advice that Counsel's opinion had been sought on how the Council should proceed with the implementation of such a policy and that opinion had stated that consideration of such a policy could be undertaken but that caution must be exercised.

Development Control
Committee – 12.01.11.

Based on the debate, the Planning Team Leader read out 4 possible reasons for refusal which covered (1) the character of the area; (2) Local Gap and loss of trees; (3) drainage; and (4) the issue of foul sewerage. Advice was given by the Head of Development Control and the Planning Team Leader that reasons (1) and (2) could be defended at appeal but that reasons (3) and (4) were not supported by technical evidence and were therefore not sustainable and could undermine the strength of the appeal based on reasons (1) and (2). Following a short discussion which indicated that opinion was divided, Members participated in a vote on whether to approve reasons (1) and (2) only or to approve all 4 reasons given. The Committee then

RESOLVED

That the application be refused for the following reasons:-

(1) the proposed housing and associated access, car parking and landscaping, by reason of its excessive density and unacceptable design, would represent an intrusive form of development detrimental to the character of the area, contrary to the aims and objectives of PPS1 and PPS3 (June 2010) and associated ministerial statements which seek to protect garden land where development would be out of character with the area. The proposal would also be contrary to Policy GEN7 of the Arun District Local Plan and Policy H5 of the South East Plan.

(2) The proposal, by removal of the present tree screen, would result in intrusive development on the countryside because of the lack of screening and therefore cause damage to the landscape, which would be harmful to the visual quality which is an essential characteristic on the boundary of the Local Gap between Barnham and Eastergate in conflict with Policy GEN7 of the Arun District Local Plan and CC1 of the South East Plan.

EG/68/10 – Erection of new building for use as vehicle repair workshop, Poling Motor Co. Fordingbridge Industrial Estate, Barnham Road, Barnham Having received a report on the matter, together with the officer's written report update detailing an additional Informative regarding the reasons for granting planning permission, the Committee

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

417

Development Control
Committee – 12.01.11.

EP/113/10 – Extension and alterations, 36 Sea Lane, East Preston
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/129/10 – Formation of dormer and rooflights and two storey side extension (resubmission of AB/38/10), 33 Mount Pleasant, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/130/10/L – Application for Listed Building Consent for formation of dormer and rooflight and two storey side extension (resubmission of AB/39/10/L), 33 Mount Pleasant, Arundel Having received a report on the matter, together with the officer's written report update detailing a consultation response from County Design, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/147/10 – Demolition of existing garage (side) and rear conservatory and erection of two storey side extension (resubmission of A/74/10), 2 Arundel Road, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/268/10 – Remove existing conservatory and shower room to rear elevation and erect 2 storey extension incorporating additional bedroom and en-suite, 69 Nyetimber Lane, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

Development Control
Committee – 12.01.11.

564. EXEMPT INFORMATION

The Cabinet

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

565. ENFORCEMENT MATTERS (Exempt – Paragraph 5 – Information relating to Legal Proceedings)

CON/FP/25/07 – Alleged unauthorised fence, 3 Priestley Way, Felpham Having received a report on the matter, the Committee

RESOLVED – That

(1) the dismissal of the appeal against the serving of an enforcement notice for the erection of a fence, despite a prevailing Open Plan Condition being in place, be noted; and

(2) prosecution proceedings be commenced should the requirements of the enforcement notice not be complied with.

ENF/213/10 – Alleged unauthorised fence, Cinders Lane, Yapton
Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to the local amenity. The development does not have the benefit of planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

Subject to approval at the next Committee meeting

419

Development Control
Committee – 12.01.11.

ENF/492/10 – Alleged unauthorised elevated Wendy house, 4 Ferring Close, Ferring Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the above breach of planning control, as it is not expedient to take such action, in the absence of harm to the amenity in the locality of the site. The structure does not have the benefit of planning approval and this fact will be revealed on CON/29/R when a Local Land Charges Search is undertaken.

ENF/52/10 – Alleged unauthorised felling of a tree in a conservation area, 105 North Bersted Street, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of the breach of planning control as it is not expedient to do so in the absence of harm to local amenity. The development does not have the benefit of permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

ENF/530/10 – Alleged unauthorised illuminated sign, 10-12 Waterloo Square, Bognor Regis (Ground Floor Shop) Having received a report on the matter, the Committee

RESOLVED

That authority be granted under Section 224 of the Town and Country Planning Act 1990 to institute legal proceedings for the display of illuminated advertisements in a Conservation Area without advertisement consent.

(The meeting concluded at 5.45 p.m.)