

Subject to approval at the next Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

19th August 2010 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Biss, Bower, Mrs Bower, Evans, Mrs Harrison, Haymes, Mrs Hazlehurst, Ms Kerley (substituting for Councillor Mrs Maconachie), Oliver-Redgate (substituting for Councillor Mrs Stainton), Mrs Olliver, Steward and Wiltshire.

[Note: Councillors Biss, Bower and Mrs Bower were absent from the meeting during consideration of the matters referred to in Minutes 252 (from Application FG/59/10) to 254.]

Councillors Mrs Brown, Elkins and Patel were also present for part of the meeting.

246. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Butler, Mrs Maconachie and Mrs Stainton.

247. DECLARATIONS OF INTEREST

Councillor Mrs Goad gave notice of a prejudicial interest in Agenda Item 9, Planning Application AL/67/10, due to her involvement with local residents relating to this application. She indicated that she would speak to the item and then leave the meeting during its consideration.

Councillor Steward gave notice of a personal interest in Agenda Item 9, Planning Application FG/65/10/A, as he had business dealings with the applicant. He stated that he would reserve his right to speak and then leave the meeting during its consideration.

248. MINUTES

The Minutes of the meeting held on 21st July 2010 were approved as a correct record and signed by the Chairman.

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249. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – A/81/10 – CONSTRUCTION OF ENTRANCE GATES, BRICK PIERS AND CURVED BRICK WALLS, SHARDELOES, THE THATCHWAY, ANGMERING

Having received a report from the Site Inspection Panel, together with the officer's written report update detailing a letter of objection received, the Committee agreed with the Panel's recommendation to refuse the application due to its unacceptable impact on the open aspect of the street scene. Members therefore did not agree with the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason :-

By reason of the number of gates proposed together with the associated brick piers, the overall height and position of the gates entrances, the proposal would give rise to an unacceptable urbanisation of the open fronted residential street to the detriment of the open aspect of the street scene and the surrounding area and the character of the area. The proposal is thereby in conflict with Policy GEN7 of the Arun District Local Plan.

250. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – BR/121/10 – DEMOLITION OF EXISTING HOUSE AND ERECTION OF A TERRACE OF THREE HOUSES, TUDOR COTTAGE, NORFOLK SQUARE, BOGNOR REGIS

Having received a report from the Site Inspection Panel, together with the officer's written report update detailing two letters of support received and a verbal correction that Councillor Evans had attended the site visit as Ward Representative, the Committee agreed with the Panel's recommendation to approve in line with the officer's report and

RESOLVED

That the application be approved as detailed in the appendix to the report.

251. PLANNING APPEALS

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

252. PLANNING APPLICATIONS

(Prior to consideration of the following application, Councillor Mrs Goad had declared a prejudicial interest. She spoke to the item and then left the meeting and took no part in the debate or vote.)

AL/67/10 – Change of use of land to a private gypsy and traveller caravan site consisting of 3 No. mobile homes (2 of which have extensions), and associated works. This application is a departure from the Development Plan, The Paddocks, Northfield Lane, Aldingbourne Having received a report on the matter, together with the officer's written report update detailing further letters of objection received, the Committee participated in a detailed debate on this matter.

During the course of discussion, the Planning Team Leader and the Head of Development Control brought to the attention of the Committee the requirement for all local authorities to make provision for gypsies and travellers as set out under Circular 01/2006. This site was in fact outside the built up area boundary and special justification was required should approval be given to changing the use of the land to a private gypsy and traveller caravan site. It was felt that the proposal was acceptable in residential and amenity terms and, following negotiation between the applicant and officers, a lot of work had been undertaken to erect adequate screening, in addition to the development being restricted to the south rather than the north of the site. A previous decision by the Inspector to dismiss an appeal for development here had been superseded by legislation and the view had now been formed that the proposal was acceptable, particularly as there was an urgent need to address the under provision of sites within the District for the gypsy and traveller community.

Some discussion took place around the distance of the mobile homes from the boundary fence, particularly in the light of the fire that had recently taken place which had destroyed one of the mobile homes, and it was agreed that any new structures would have to be erected at a distance of 3m from the boundary with Mount Pleasant Cottage.

Following clarification of further points brought up at the meeting relating to the size of mobile homes, extensions, licence requirements of the Caravan Act, and the track running alongside the site, the Committee

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RESOLVED

That the application be approved as detailed in the report, subject to the addition of the following condition:-

“The replacement mobile home marked as D on the substitute plan drawing 1011/03 Rev B shall be positioned a minimum of 3 metres away from the eastern boundary with Mount Pleasant Cottage.

Reason: To accord with Policy GEN7 of the Arun District Local Plan in ensuring a satisfactory amenity relationship with the neighbouring property.”

(Prior to consideration of the following application, Councillor Mrs Brown spoke as Ward Member.)

AW/129/10 – Alterations and extensions to existing building to provide undercover parking for 2 cars, cycle and refuse storage, enlargement of existing flat, additional 1 bedroom flat and additional 2 bedroom flat, Aldwick Cottage, Aldwick Street, Bognor Regis Having received a report on the matter, together with the officer’s written report update detailing additional representations received, Members expressed concerns that this proposal constituted overdevelopment and was out of character with the area. Whilst acknowledging that County Highways had raised no objection, Members were, nevertheless, extremely concerned about the access and egress to the site, particularly with the potential for vehicles reversing into a busy street from the undercroft parking. The Committee therefore did not agree the officer recommendation to approve and

RESOLVED

That the application be refused for the following reasons:-

1. The proposed alterations and extensions to provide two additional flats and associated parking would result in an unacceptable loss of garden land and an uncharacteristically small and cramped form of overdevelopment which would be contrary to the aims and objectives of PPS3 (June 2010) and associated Ministerial statements and Policies GEN7 and DEV19 of the Arun District Local Plan 2003, which seek to protect garden land against development where it would be out of character with the area.

2. The proposed extension for two additional flats, involving undercroft car parking and increased use and widening of the existing access, together with limited turning facilities on site, would add to the hazards of highway users in conflict with GEN7 of Arun District Local Plan.

AW/131/10 – Remove existing hedge and replace with new wall to match house with hedge screening behind, move drive entrance to new location and installation of a new gate, Hunters House, 108 Manor Way, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional representations received, a comment was made that, should the proposal be approved, the Wildlife Informative should be attached to the conditions to prevent the hedge being removed during the nesting season. The Committee

RESOLVED

That the application be approved as detailed in the report, subject to the addition of the following Informative:-

Informative: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees, etc during this period could lead to an offence under the Act.

AW/159/10 – Merge two single garages into one double garage at compound to the rear of 108 Manor Way, 108 Manor Way, Aldwick, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional representations received, the Committee

RESOLVED

That the application be approved as detailed in the report.

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AB/66/10 – Proposed 3 bedroom dwelling (resubmission of planning application AB/13/09), Land adjacent to 1 Anne Howard Gardens, Arundel Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

BE/44/10 – Erection of a new attached dwelling on land alongside 29 The Croft, 29 The Croft, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional representations received, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/108/10 – Conversion of restaurant (A3) and ancillary accommodation to form 2 No. 2 bed flats, 2 The Steyne, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/152/10 – Proposed residential development comprising 2 No. detached dwellings with associated parking (resubmission of BR/48/10), 14 Ivydale Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an additional representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/162/10 – Vertical extensions to the south and north elevations, loft conversion replacement of existing car compound and its timber roof with a garage to accommodate 2 cars in tandem position and raising of the existing fencing to varying heights of 2m to 2.4m with 2 new access gates to Southdown Road. This is a resubmission of BR/280/09, 2 Southdown Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional plans received and subsequent amendment to Condition 2, a number of comments were made with regard to the design not being suitable and being out of keeping with the

surrounding street scene and character of the area. Members did not accept the officer recommendation to approve and were of the view that the reason for refusal used for BR/280/09 was still valid in this instance. The Committee therefore

RESOLVED

That the application be refused for the following reason:-

“The proposed alterations and extensions, by reason of their scale, form and design, would represent an incongruous form of development, out of keeping with the traditional character of the surrounding area, and detrimental to the visual amenities of the locality, contrary to Policies GEN7 and DEV19 of the Arun District Local Plan.”

BR/166/10 – Variation of Condition No. 3 imposed on BR/67/91 and Condition No. 2 imposed on BR/102/03 to increase number of children from 34 to 42, Centre for Early Years Training, 86 Annandale Avenue, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/169/10 – Proposed conversion of single dwelling house to form three No. 2 bedroom self contained flats, Otterham House, 49 Upper Bognor Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing receipt of a further representation, amended plans and consultation response from Environmental Health, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to amendment of Condition 2 to read :-

“Condition 2: This permission relates to the following approved plans:-

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Proposed Site Plan, Drawing Number: PO78-13.p
Proposed Location Plan, Drawing Number: PO78-14 Rev A -
Substitute Plan.
Existing Ground Floor Plan, Drawing Number: PO78-01.
Proposed Ground Floor Plan, Drawing Number: PO78-06 Rev
A - Substitute Plan.
Existing First Floor Plan, Drawing Number: PO78-02.
Proposed First Floor Plan, Drawing Number: PO78-07 Rev A.
Existing Second Floor Plan, Drawing Number: PO78-03.
Proposed Second Floor Plan, Drawing Number: PO78-08 Rev
B - Substitute Plan.
Existing Northern & Western Elevation, Drawing Number:
PO78-05.
Proposed Northern & Western Elevation, Drawing Number:
PO78-10 Rev A
Existing Southern Elevation, Drawing Number: PO78-04.
Proposed Southern Elevation, Drawing Number: PO78-09.
Proposed Western Street Scene, Drawing Number: PO78-12.
Proposed Southern Street Scene, Drawing Number: PO78-11.

Reason: For the avoidance of doubt and in the interests of
amenity and the environment in accordance with GEN7 of the
Arun District Local Plan.

BR/170/10/L – Application for Listed Building Consent for the
conversion of single dwelling to three No. flats, to include internal alterations,
two additional windows and the removal of one existing window, Otterham
House, 49 Upper Bognor Road, Bognor Regis Having received a report on
the matter, together with the officer's written report update detailing receipt of
a further representation, amended plans and consultation response from
Environmental Health, the Committee

RESOLVED

That the application be approved as detailed in the report,
subject to amendment of Condition 2 to read :-

“Condition 2: This permission relates to the following approved
plans:-

Proposed Site Plan, Drawing Number: PO78-13.
Proposed Location Plan, Drawing Number: PO78-14 Rev A -
Substitute Plan.
Existing Ground Floor Plan, Drawing Number: PO78-01.

Proposed Ground Floor Plan, Drawing Number: PO78-06 Rev A.
Existing First Floor Plan, Drawing Number: PO78-02.
Proposed First Floor Plan, Drawing Number: PO78-07 Rev A - Substitute Plan.
Existing Second Floor Plan, Drawing Number: PO78-03.
Proposed Second Floor Plan, Drawing Number: PO78-08 Rev B.
Existing Southern Elevation, Drawing Number PO78-04.
Existing Northern & Western Elevation, Drawing Number: PO78-05.
Proposed Northern & Western Elevation, Drawing Number: PO78-10 Rev A.
Proposed Southern Elevation, Drawing Number: PO78-09.
Proposed Western Street Scene, Drawing Number: PO78-12.
Proposed Southern Street Scene, Drawing Number: PO78-11.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

BR/171/10 – Single storey extension, Abbots Lawn, Sylvan Way, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/174/10 – Rear extension to 1st floor and new 2nd Floor under new tiled roof to provide 10 No. bedrooms and lounge areas – resubmission following BR/7/10 – Abbots Lawn, Sylvan Way, Aldwick Having received a report on the matter, together with the officer's written report update detailing receipt of substitute plans, comment from County Highways and supporting information from the Agent and a verbal update on further comments received from County Highways, Members participated in a detailed debate regarding the merits of the case.

Concerns were raised that the addition of 10 No. bedrooms would exacerbate an already difficult situation with regard to the inadequate entrance to the site. It was felt that the comments from County Highways regarding the car parking lay out should be relayed to the applicant, together with the Committee's wish to see the access use resolved. Members were reminded by the Planning Team Leader and the Head of Development Control that this was an existing use and that the emphasis on car parking and access issues was misjudging the situation. It was commented that the current

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application was for 10 additional bedrooms and that any decision could not seek to remedy the existing car parking and access issues. However, the Committee

RESOLVED

That the application be deferred for further negotiations to allow the applicant to widen the access to Sylvan Way to allow easier access for emergency vehicles and reorganisation of the car parking on site.

BR/184/10 – Construction of two storey building comprising 2 No. 1 bedroom flats (resubmission of BR/9/10), 70 Ockley Road, Bognor Regis
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/52/10 – Two storey rear extension to extend existing dining room/lounge and two bedrooms. Single storey side extension to extend existing kitchen and form new utility room. Internal alterations and refurbishment, 17 Seaview Road, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EP/60/10 – Additional 50 seat covered tiered stand located beside existing stand, East Preston Football Club, Lashmar Recreation Ground, Lashmar Road, East Preston Having received a report on the matter, together with the officer's written report update detailing a consultation response from County Highways and advice that this was on Council owned land, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Elkins spoke as Ward Member. He also declared an interest as he lived along Ferring Road and stated that he would leave the meeting during the debate and vote.)

FG/33/10 - Amend car park layout with ancillary changes to support an unrestricted A1 retail use. Amendment to previous approval FG/174/08. This application also falls within the Parish of Angmering. This application is a departure from the Development Plan, Country Fayre, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing substitute plans submitted and resultant amended conditions, the Committee was advised that satisfactory evidence had been supplied to show that the proposal did comply with Government policy and advice. It was suggested that an additional condition should also be attached to any approval relating to the sale of certain goods.

In discussing the matter, the Planning Solicitor provided clarification and advice relating to previous and existing Section 106 Agreements on the site.

In the course of consideration by Members, strong views were expressed that the application was seeking to reverse and undermine the policy of the Council; called into question the findings of the Council's retail consultant; and was seeking to remove the strategic gap. Further, concerns were also raised in relation to the adverse traffic impact on the A259 that would result from increased trips to the site.

In response to the concerns expressed, the Committee was reminded by the Planning Team Leader and the Head of Development Control that the building had already been approved, together with the size of the retail space, and that all that was being looked at was the unfettered retail use and amendment to the car park layout. It was not technically a change of use but just the type of goods being sold in the A1 category. The strategic gap argument did not hold because of the previous approval. Advice was also given regarding the various retail assessments that had been carried out and that there were no reasons to doubt the findings. The County Council had raised no objection to the revised car parking layout.

Following further comments and clarification given at the meeting on a number of points, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to the addition of the following condition:-

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“The retail unit hereby approved shall not be used for the sale of bulky white electrical and gas goods or for the sale of pets.

Reason: For the avoidance of doubt and in the interests of the amenities of the locality in accordance with PPS4 and GEN7 of the Arun District Local Plan.

(As the vote was tied, the Chairman used her casting vote to approve the application.)

FG/59/10 – Change of use from former agricultural nursery to B8 storage and wholesale supply of fencing and associated materials (this application is a departure from the Development Plan), Land North of McIntyres Nursery, Littlehampton Road, Ferring Having received a report on the matter, together with the Planning Team Leader’s verbal update that the applicant had advised that he had supplied McIntyres with fencing for storage at the site between 1998 and 2005 and he had also supplied information with regard to the type of fencing it was being proposed to store on site, namely fencing for the agricultural market, a request was made for a site visit to be undertaken to ascertain the extent of the operation and the effect it might have on the view from Highdown Hill and the rural location. The Committee

RESOLVED

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

FG/60/10 – Change of use of glasshouse to retail trading space, Ferring Country Centre, Rife Way, Ferring Having received a report on the matter, together with the officer’s written report update detailing substitute plans, the Committee agreed to the applicant’s verbal request made at the meeting that the hours of operation should be amended to 0900 – 1700 hours Monday to Saturday and 1000 – 1600 hours Sundays and Bank Holidays. The Committee then

RESOLVED

That the application be approved as detailed in the report and the officer report update, subject to amendment of Condition 4 to read:-

“Condition 4: The premises hereby permitted shall not be open for trade or business except between the hours of 0900 – 1700 Monday to Saturday and 1000 – 1600 Sundays and Bank Holidays.

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Reason: To safeguard the amenities of the countryside location and the neighbouring properties in accordance with Arun District Local Plan Policies GEN7 and DEV32.

(Prior to consideration of this application, Councillor Steward had declared a personal interest and left the meeting and took no part in the debate or vote. He did not exercise his right to speak.)

FG/65/10/A – 1 No. non-illuminated hoarding sign, Highdown Vineyard, Littlehampton Road, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/71/10/L – Application for Listed Building Consent to fit wooden gates 1.8m in height to north aspect of house, replace five fence panels on north/south aspect, replace three fence panels on east/west aspect, Elford House, 11 Ferring Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/178/10 – Front porch, with toilet, 64 East Street, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/223/10 – Erection of single storey rear extension, 38 Oakcroft Gardens, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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M/40/10 – Renovation/rebuilding of existing stables and store to form hobby room and store, 9 Sea Lane, Middleton on Sea Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/123/10 – Proposed pitched roof rear extension to form 3 No. bedrooms and bathroom and demolition of existing conservatory, 92 North Lane, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/41/10 – Change of use of a store to a single dwelling with a porch extension, Walberton House, The Street, Walberton Having received a report on the matter, together with the officer's written report update detailing a consultation response from the District Structural Engineer, a request was made for a site visit to be undertaken to enable Members to assess the effect of the new development on Walberton Park and Walberton House. The Committee

RESOLVED

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

253. 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.

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

ENF/222/10 – Alleged unauthorised non-compliance with AL/61/09, De Burgh Cottage, Westergate Street, Westergate 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 planning permission and this fact will be revealed on CON/29/R when a Local Land Charges search is undertaken.

(The meeting concluded at 7.55 p.m.)