

Subject to approval at the next Committee meeting

69

DEVELOPMENT CONTROL COMMITTEE

24th June 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 Steward), Mrs Maconachie, Mrs Olliver, Mrs Stainton and Wiltshire.

Councillor Mrs Brown was also in attendance for part of the meeting.

124. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Butler and Steward.

125. DECLARATIONS OF INTEREST

Councillor Mrs Bower gave notice of a personal interest in Agenda Item 9, Planning Application EP/30/10, as the applicant was known to her.

Councillor Mrs Hazlehurst gave notice of a personal interest in Agenda Item 9, Planning Application A/49/10, as she would be marketing a property in the village.

Councillor Wiltshire gave notice of a personal interest in Agenda Item 9, Planning Application LU/99/10 as Chairman of the Planning and Transportation Committee of Littlehampton Town Council.

126. MINUTES

The Minutes of the meeting held on 26th May 2010 were approved as a correct record and signed by the Chairman.

Development Control
Committee – 24.06.10.

127. REPORT ON A PREVIOUSLY DEFERRED APPLICATION – PA/25/08 – STATIONING OF RESIDENTIAL MOBILE HOME FOR SETTLED GYPSY ACCOMMODATION, ERECTION OF 1.8 METRE HIGH GATES AND FORMATION OF CROSSOVER AT THE WOOD YARD, FRANCE LANE, PATCHING

This application had been considered at the meeting held on 29th April 2009 when it was resolved that the application be deferred, with the decision being delegated to the Assistant Director of Planning and Housing Strategy, in consultation with the Chairman, once a suitable contamination survey had been received from the applicant. This had now been received. However, as some 13 months had now elapsed since the contamination report had been requested and Condition 1 of any approval stated that the use hereby permitted shall enure for a limited period of 18 months, which would effectively cease the use on 29th October 2010, the Committee was presented with a further report which detailed two options for consideration, i.e.

- Option 1 – To grant temporary planning permission for 18 months from the date of this meeting;
- Option 2 – To reconsult the Parish Council and all others who had made representation, with a view to granting a permanent permission for the residential mobile home for settled gypsy accommodation.

The view was expressed that option 1 should be taken as the Council's policy on Gypsy and Travellers was in the process of being formulated and it was hoped that by the time of expiry of any temporary planning permission it would be in place to enable a further permanent decision to be made.

The Committee

RESOLVED

That temporary planning permission be granted for 18 months from the date of this meeting.

128. PLANNING APPEALS

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

The Head of Development Control also advised Members that an appeal had been lodged against Planning Application FG/23/10 – 39 Proposed dwellings at Jenkins Yard, Glenbarrie Way, Ferring, which had been refused at the meeting on 26th May 2010, and the applicant had requested

that this be dealt with by way of a Hearing. As the Committee had not accepted the officer recommendation to approve the application, advice was given that the proposer and seconder of the motion to refuse should attend the Hearing to put forward the arguments and justification for the decision whilst officers would prepare the evidence pertaining to the case.

In discussing the matter, the Cabinet Member for Planning (and proposer of the motion to refuse) stated that his initial view was that professional advice should be sought and that the appeal should be heard by way of Public Inquiry. He acknowledged that there could be substantial financial implications for the Council but that this was an instance where the case should be properly substantiated.

The Strategic Development Planner advised that a request could be made regarding a Public Inquiry but that this could not be guaranteed as the appellants had already indicated they wished the appeal to be heard by way of a Hearing and the matter would then be settled by the Planning Inspector. He further advised that he would not be able to defend the decision taken at a Public Inquiry but could present evidence at a Hearing and that, in that event, he was unsure about the benefits of seeking professional independent opinion for a Hearing.

The Head of Development control reiterated the fact that a Public Inquiry could be requested but may not be granted and highlighted the financial implications of that course of action. Members were offered a third option of using an outside consultant to present the Council's case at a hearing, which would be significantly cheaper than an Inquiry but would still provide the independence which the Committee was seeking.

As the timescales for deciding on a course of action were extremely tight and it was unclear whether the appeal would be heard by way of Public Inquiry or a Hearing, which would in turn determine whether consultants should be retained, it was agreed that any decision should be delegated to the Assistant Director of Planning and Housing Services, in consultation with the Chairman, the Cabinet Member for Planning and the Leader of the Council.

The Committee therefore

RESOLVED

That any decision relating to the appeal in respect of Planning Application FG/23/10 be delegated to the Assistant Director of Planning and Housing Services, in consultation with the Chairman, the Cabinet Member for Planning and the Leader of the Council.

Development Control
Committee – 24.06.10.

129. TREE APPLICATIONS

AW/68/10/T – Fell one Willow tree and replace with a smaller species, Pebble Bay, 54 Kingsway, Craigweil, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

130. PLANNING APPLICATIONS

AL/36/10 – Outline application with some matters reserved for the erection of 6 No. 2 bedroom starter homes, Rock House, Westergate Street, Aldingbourne Having received a report on the matter, concerns were raised that the proposal was not in keeping with the character of the area and could be considered to be overdevelopment of the site. It was therefore agreed that a site inspection visit should take place to clarify whether this was the case and the Committee

RESOLVED

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

AL/42/10 – Two storey extension along with a sun room and garage extension, 3 The Fields, Westergate Having received a report on the matter, a view was expressed that the proposal would appear to be out of character with the locality and a site inspection visit was requested. The Committee therefore

RESOLVED

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

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

AW/79/10 – Demolition of existing conservatory and replacement with single storey extension to living room with balcony to first floor bedroom, Sea Pines, 54 The Drive, Aldwick Having received a report on the matter, together with the officer's written report update detailing a response from English Heritage and verbal notification of a further letter of objection received and a matter that would be directed to the Compliance Section, the Committee

participated in a detailed debate which centred on the potential for overlooking, the size of the balcony and the height of the screening. A site visit was requested to ascertain the impact of the balcony on the neighbouring property but, on being put to the vote, was declared LOST.

The Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Mrs Hazlehurst had declared a personal interest and remained in the meeting and took part in the vote.)

A/49/10 – Change of use from charity shop A1 to A2 Estate Agents, Shop unit formerly ‘Dizzy’, The Square, Angmering Having received a report on the matter, together with the officer’s written report update detailing the correct Informative on the recommendation sheet, the Committee

RESOLVED

That the application be approved as detailed in the report.

BE/10/10 – Outline application with some matters reserved for the erection of 10 No. 2 & 3 bedroom houses, Richmond Lodge, Shripney Road, Bognor Regis Having received a report on the matter, a concern was raised regarding highway issues and advice given that County Highways had raised no objection to the proposal. In addition, a question was asked regarding Section 106 contributions and a response given that although it had not been asked for on this particular application, it had been required for the previous permissions. The Committee then

RESOLVED

That the application be approved as detailed in the report.

BE/19/10 – Replace existing rear conservatory with single storey rear extension, 46 Stroud Green Drive, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control
Committee – 24.06.10.

BR/54/10 – Demolition of existing dwelling in multiple occupation and construction of 1 No. detached 2 bed and 3 No. attached 2 bed dwellings with ancillary cycle and bin storage, 130 Longford Road, Bognor Regis Having received a report on the matter, very strong views were expressed that this proposal was totally inappropriate for the site and would be an extremely cramped form of development with no amenity space to serve family accommodation. Advice was given that, although Government guidance had changed, there was still a requirement to make the most effective use of urban land. However, Members could not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reasons:-

- 1) The proposal would result in a cramped and overcrowded form of development, excessive in density at odds with the character of the area, contrary to PPS 3 (2010) and the Ministerial Statement of 9th June 2010; and
- 2) The proposal would result in an insufficient amenity area for future occupiers resulting in an unacceptable living environment contrary to PPS 1 and Policy GEN7 of the Arun District Local Plan.

BR/117/10 – Demolition of existing office building and erection of 9 No. studio apartments over 3 storeys and associated external works, 3 Spencer Street, 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/123/10 – Outline application under Regulation 3 of the Town and Country Planning General Regulations 1992 for a new café to enable internal and external seating with all year operation, Hotham Park Café, Hotham Park, Upper Bognor Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing consultation responses received, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/135/10 – Change of use from office (A2) to 1 no. 2 bedroom flat (C3) and associated parking, 110 London Road, Bognor Regis 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 Bower had declared a personal interest and remained in the meeting and took part in the vote.)

EP/30/10 – Reapplying for mobile home to be in existing position as passed by Arun District Council on 23.05.08. (as EP/32/08), 39 Normandy Lane, East Preston Having received a report on the matter, together with the officer's written report update detailing additional representations and information received, the Planning Team Leader advised that a temporary permission for one year was being recommended to enable the applicant to seek alternative living accommodation within that time. The Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Wiltshire had declared a personal interest and remained in the meeting and took part in the vote.)

LU/99/10 – 1 No. detached 2 bed bungalow, 7 Whiteways Close, Littlehampton Having received a report on the matter, together with the officer's written report update detailing the revised PPS3 and recent Ministerial advice and consequential amended recommendation to refuse the proposal, the Chairman called a short adjournment to enable Members to read the information provided.

Members were advised by the Head of Development Control that this application had been submitted prior to the changes to PPS3 and, as such, would have been considered to be acceptable development. However, it was now the view of officers that the recent changes meant that the proposal would be out of character with the area by reason of it being on a much smaller plot and not having a proper street scene frontage.

Following consideration, the Committee

Development Control
Committee – 24.06.10.

RESOLVED

That the application be refused as detailed in the officer report update.

M/26/10 – Demolish existing prefabricated bungalow and build new 3 bedroom house, 32 Ancton Way, Elmer Sands Having received a report on the matter, together with the officer's written report update detailing a consultation response received, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/77/10 – Demolition of existing conservatory, replacement with new, 20 Pigeonhouse Lane, Rustington Having received a report on the matter, together with the officer's verbal advice that this was a staff application, the Committee

RESOLVED

That the application be approved as detailed in the report.

131. INTRODUCTION OF PRE-APPLICATION ADVICE SERVICE

The Committee received a report from the Assistant Director of Planning and Housing Strategy which recommended the introduction of a Pre-Application Planning Advice Service to be provided by Planning Services for introduction in September 2010. The Planning Team Leader advised that the report had been put before the Planning Briefing Panel and comments that had been made by those Members had now been incorporated, together with major and minor applications.

Following consideration, the Committee

RESOLVED – That

(1) the provision of the Pre-Application Advice Service, together with the fee schedule and guidance notes as set out in the appendices to the report, be endorsed; and

(2) the necessary amendment to the service following review be delegated to the Assistant Director of Planning and Housing Strategy and the Chairman/Vice-Chairman of the Development Control Committee.

132. 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 items of business on the grounds that they involve 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 items.

133. ENFORCEMENT MATTERS

(During the course of consideration of the following, Councillor Wiltshire declared a prejudicial interest in ENF/292/09 as his sister occupied the neighbouring property. He spoke to the item but took no part in the debate or vote.)

CIC/FG/29/07 – Alleged unauthorised trellis, front gates and fence, 20 Langbury Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of this breach of planning control as it is not expedient to take such action in the absence of harm to the amenity of the locality of the site. The development does not have the benefit of planning permission and this fact will be revealed when a Local Land Charges Search is undertaken.

CIC/LU/31/05 – Alleged unauthorised landscaping, Netley Court, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of this breach of planning control as it is not expedient to take such action in the absence of harm to the amenity of the locality of the site.

Development Control
Committee – 24.06.10.

ENF/262/09 – Alleged unauthorised change of use, 51 Canada Grove, 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 planning permission and this fact will be revealed on CON/29/R when a Local Land Charges Search is undertaken.

ENF/272/09 – Alleged unauthorised extension, 15 Gibson Way, 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 the amenity in the locality of the site. The development does not have the benefit of planning permission and this fact will be revealed when a Local Land Charges Search is undertaken.

ENF/282/09 – Alleged unauthorised satellite dish, 19 Lime Grove, Angmering 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 amenity in the locality of the site. The development does not have the benefit of planning permission and this fact will be revealed when a Local Land Charges Search is undertaken.

ENF/292/09 – Alleged unauthorised extension, 2 Little Barton, Church Lane, Barnham 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 amenity in the locality of the site. The development does not have the benefit of planning permission

Subject to approval at the next Committee meeting

79

Development Control
Committee – 24.06.10.

and this fact will be revealed when a Local Land Charges Search is undertaken.

ENF/389/09 – Alleged unauthorised sign, Findon Manor Hotel, High Street, Findon 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 amenity in the locality of the site. The advertisement does not have the benefit of advertisement consent and this fact will be revealed when a Local Land Charges Search is undertaken.

ENF/54/10 – Alleged unauthorised works to trees, Cathedral Clergy House, Parson's Hill, Arundel Having received a report on the matter, the Committee

RESOLVED

That no further action be taken.

ENF/572/09 – Alleged unauthorised fence, 26 The Oaks, Adwick 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 6.00 p.m.)