

Subject to approval at the next Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

4th February 2009 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman) Mrs Goad (Vice-Chairman), Ayling (substituting for Councillor Evans), Biss, Bower, Brooks, Butler, Gammon, Mrs Harrison, Haymes, Mrs Hazlehurst, Mrs Maconachie, Oliver-Redgate, Mrs Olliver, Mrs Smee, Mrs Stainton and Steward.

[Note: The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Biss, Minute 805 (part, from Application AL/142/07); and Councillor Butler, Minute 805 (part, from Application BE/125/08).]

Note: Councillors Mrs Brown and Chapman were also in attendance for part of the meeting.

798. WITHDRAWN APPLICATIONS

The Chairman advised the meeting that Applications BE/125/08, EG/54/08 and EP/137/08 had been withdrawn from the Agenda.

799. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Evans and McDougall.

800. DECLARATIONS OF INTEREST

Councillor Gammon gave notice of a personal interest in Agenda Item 9, Planning Application AW/226/08 due to the fact that the matter was closely related to a case he had been involved in as a member of the Licensing and Enforcement Committee. He did not have a prejudicial interest but, as he felt that it could be perceived that he had, he stated that he would leave the meeting during its consideration.

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801. MINUTES

The Minutes of the meeting held on 21st January 2009 were approved as a correct record and signed by the Chairman.

802. PREVIOUSLY DEFERRED APPLICATION EG/54/08 – USE OF LAND AS A PRIVATE GYPSY CARAVAN SITE FOR SINGLE FAMILY OCCUPATION, LITTLE NOVA PADDOCKS, EASTERGATE LANE, EASTERGATE

Having received a report on the matter, the Committee was advised that this application had now been withdrawn from the Agenda to enable the case officer to undertake further research following late receipt of additional information.

803. PREVIOUSLY DEFERRED APPLICATION FP/214/08 – CONSTRUCT 14 BEACH HUTS ON CONCRETE BASES, GREENSWARD ADJACENT TO ADC CULVER ROAD CAR PARK, FELPHAM

Prior to consideration of this item, the Planning Solicitor advised the meeting that, as currently written, the Council's Public Speaking Rules did not allow speakers to speak on items which had been deferred after an opportunity for public speaking had been exercised. However, this provision of the Constitution could be suspended for the duration of the meeting provided Standing Order 27, 'Suspension and Amendment' was complied with and provided a motion to this effect was moved and seconded and passed by a majority of votes.

As custom and practice had, in the past, permitted speakers to speak again if new or additional information was submitted on a deferred application, the Chairman was of the view that, in the interests of fairness, speakers who had registered to speak on this application should be permitted to do so. The Chairman therefore proposed, and was duly seconded, that Standing Order 27 be suspended for this item, which was then unanimously supported by the Committee.

This application had previously been deferred from the meeting held on 18th December 2008 to enable further information to be obtained from the Council's Parks and Landscape Department and on options to address car parking problems in the surrounding area. This information was now presented for Members' consideration as an officer's written report update appended to the original report. A further written officer report update was circulated at the meeting detailing an additional consultation response from the Parks and Landscape Department, together with verbal advice on comments that the County Highways Department had today submitted

requiring a contribution of £1,000 for access markings in Culver Road to alleviate parking problems in the locality.

Members participated in a detailed discussion, during which concerns were expressed regarding the proposal being on overdevelopment of the site; health and safety issues; and car parking. Officers responded to these matters and the Committee then

RESOLVED

That the application be approved as detailed in the report.

804. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 4 appeals that had been heard.

805. PLANNING APPLICATIONS

M/98/08 – Front two storey extension, 4 Sea Way, Middleton on Sea
Having received a report on the matter, and in the light of points that had been raised by the public speakers and that no comments had been received from the Council's Conservation and Design Manager, the Committee was of the view that a site inspection should be held to assess the impact of the proposals on the neighbouring property and on the character and appearance of the area and that a consultation response should be sought from the Conservation and Design Manager in respect of the impact of the proposal on the neighbouring building of character. The Committee therefore

RESOLVED

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

FN/69/08 – Change of use from holiday let to a residential dwelling, Fig Tree Cottage, Cross Lane, Findon Having received a report on the matter, together with the officer's written report update detailing amendment to the recommended reasons for refusal, the Committee

RESOLVED

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

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FG/162/08 – Erection of side extension and new gables to front elevation and extension to the rear of the property (Revised application of FG/140/08), 162 Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing substitute plans received and resultant amended condition, the Committee was reminded that previous recent applications were at appeal. The officer's view was that this proposal was a marked improvement in terms of amenity over the previous two applications, as detailed in the report and, as such, had been recommended for approval.

However, Members expressed serious concerns regarding the relationship of this proposal with the neighbouring bungalows in Ancren Close and that residents there would have a long blank wall in close proximity to their properties. It was felt that the application was still overbearing and unneighbourly and the Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

“By reason of its height and position, it is considered that the extension would result in unacceptable overbearing onto neighbouring residential properties in Ancren Close and, in consequence, be an unneighbourly form of development. It is thereby contrary to Policies DEV1 of the West Sussex Structure Plan and GEN7 and DEV19 of the Arun District Local Plan.

EP/137/08 – Change of use from house to dental surgery, conservatory to side, parking and landscaping details, 9 Pinewood Close, East Preston Having received a report on the matter, the Committee had been advised that this application had been withdrawn at the request of the Agent.

EP/144/08 – Single detached bungalow utilising existing garage, Land to west of Cedarwood, The Street, and south of 11 Copse View, East Preston Having received a report on the matter, together with the officer's written report update detailing a correction to the report; advice in relation to access to the site by construction traffic; and two letters of objection and a verbal representation from the Ward Member, it was suggested and agreed that an Informative would be placed on any permission by way of a guidance note in respect of the use of contractors vehicles at the site. The Committee then

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RESOLVED

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

“Vehicles and/or plant in association with the construction of the dwelling hereby permitted, shall gain access to the site via The Street only and at no time shall gain access to the site from Copse View.

BE/125/08 – Variation of Condition 5 imposed under planning permission BE/64/08 concerning the use of the temporary site access and site compound, Temporary access road, Site 6, Chichester Road, North Bersted Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the Agenda to enable further discussion with the Highway Authority to take place.

AB/163/08 – Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for provision of 24m long pontoon embarkation and landing facility in the River Arun for riverboat cruises and public mooring. The existing masonry steps and landings will remain unchanged but cease to be used, River Arun adjacent to Town Quay immediately downstream of Queen Street Bridge, Arundel Having received a report on the matter, together with the officer’s written report update detailing an additional representation and receipt of substitute plans and resultant amended condition, the Committee

RESOLVED

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

A/156/08 – Front porch, resubmission following planning application A/129/08, 5 Ashurst Way, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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(Prior to consideration of the following application, Councillor Gammon had declared a personal interest and left the meeting and took no part in the debate or vote.

Prior to consideration of the following application, Councillor Bower stated that he had participated in a meeting of the Licensing and Enforcement Committee which had dealt with a matter relating to this particular site. He was of the view that his decision had been a neutral one and did not believe that under any circumstances could he be accused of prejudging this application. He would be considering this application purely on planning grounds and would remain in the meeting and take part in the debate and vote.)

AW/226/08 – Retention of acoustic barrier, Silver Gates, 52 The Drive, Aldwick Having received a report on the matter, together with the officer's written report update detailing corrections to the report; consultation responses; further representations, and a verbal representation from the Ward Member, the Committee was reminded that the issues in question related to visual amenity, impact on the setting of the listed building and on the Area of Special Character and on the neighbour amenities.

Members of the Pre Committee Site Inspection Panel who had visited the site acknowledged that the acoustic barrier had very little detrimental impact from the adjacent footpath and from the garden of Silver Gates. However, serious concerns were raised with regard to the impact of the barrier on the neighbouring properties as it was felt to be quite overwhelming and unneighbourly.

In listening to the debate, the Interim Head of Development Control acknowledged that Members concerns had not centred around the effect of the proposal on the listed building and it was therefore suggested that reference to this should be deleted from the reasons for refusal as set out in the report. It was felt, too, that reference should remain within the reasons for refusal that the barrier did not represent a "positive contribution to the Area of Special Character".

The Committee did not accept as practical the options put forward to effect a compromise to the situation relating to a temporary permission or landscaping and therefore

RESOLVED

That the application be refused for the reasons as amended:-

“1. By reason of its height, position and means of construction, the acoustic fence represents an unacceptable visual intrusion adversely affecting the appearance of the Area of Special Character and would not make a positive contribution to the Special Character of this area. For these reasons, it is considered contrary to Policy Area 1 of the Arun District Local Plan, Policies CH1, CH4 and DEV1 of the West Sussex Structure Plan.

2. By reason of its height, position and means of construction, the proposed acoustic fence is considered to adversely affect the amenity of a neighbouring property at No. 32 through loss of outlook and its oppressive nature. For these reasons, the proposal is considered contrary to Policies GEN7 of the Arun District Local Plan and DEV1 of the West Sussex Structure Plan.”

Members were then requested by officers to give a steer as to whether enforcement action should be taken to have the acoustic fence removed. It was pointed out that the decision to enforce could be taken by the Head of Planning Services through the Council’s Constitution but it would be helpful to have agreement to this proposed course of action, given the formal decision to refuse planning permission for the retention of the acoustic barrier. The Committee indicated that it was in agreement that officers should commence enforcement proceedings against the unauthorised structure.

AL/142/07 – Siting of mobile home for extended settled gypsy accommodation (Departure from the Development Plan), 2 Wyndham Acres, Northfield Lane, Aldingbourne The Committee received a report on the matter, together with the officer’s written report update detailing amended conditions and a correction to the report and a verbal update relating to an additional letter of representation received which, Members were advised, did not affect the officer recommendation. Following consideration the Committee

RESOLVED

That the application be approved as detailed in the report.

(The meeting concluded at 5.10 p.m.)