

Subject to approval at the next Committee meeting

221

DEVELOPMENT CONTROL COMMITTEE

9th September 2009 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Biss, Mrs Brown (substituting for Councillor Evans), Mrs Coleman (substituting for Councillor Bower), Gammon, Mrs Harrison, Haymes, Mrs Maconachie, Mrs Olliver, Mrs Stainton, Steward and Wiltshire.

[Note: The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated: Councillor Biss, Minutes 328 (part) and 329; and Councillor Mrs Brown, Minutes 319 to 323 (up to application EG/33/09 (part).]

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

319. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Butler, Bower, Evans and Oliver-Redgate.

320. DECLARATIONS OF INTEREST

Councillor Biss gave notice of a prejudicial interest in Agenda Item 9, Planning Application BR/157/09 for the avoidance of bias as he had previously expressed an opinion with regard to mobile phones.

Councillor Mrs Hall gave notice of a personal interest in Agenda Item 9, Planning Application P/64/09 as a member of Pagham Parish Council.

Councillor Wiltshire gave notice of a personal interest in Agenda Item 9, Planning Applications LU/181/09, LU/186/09 and LU/203/09 as Chairman of Littlehampton Town Council's Planning and Transport Committee.

321. MINUTES

The Minutes of the meeting held on 12th August 2009 were approved as a correct record and signed by the Chairman.

Development Control
Committee – 09.09.09.

322. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 5 appeals that had been heard.

323. PLANNING APPLICATIONS

AL/63/09 – Part replacement boundary wall and new vehicular access and harstanding, 27 Belle Meade Close, Woodgate Having received a report on the matter, together with the officer's written update report detailing additional conditions relating to the construction of the wall and the permeability of the surface of the hard standing area, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/109/09 – Change of use of existing annexe to tourist accommodation with applicant dependant tie, 3 The Fairway, Aldwick Having received a report on the matter, together with the officer's written report update detailing an amended recommendation to refuse the application for the reason set out in that update, the Committee participated in a detailed debate which focussed on the personal permission condition in the original report. Following officer's advice in respect of the fact that the property was on the market for sale and, if sold, any permission would establish the principal of a tourist use on the site, which would be harmful to the Council's position in dealing with possible future applications for tourist use, the Committee

RESOLVED

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

AW/136/09 – Amendments to approved application AW/68/09 – Single storey side extension and additional windows to first floor, change 4 No. windows on ground floor to French doors, 1 Hunters Close, Aldwick Bay Estate, Aldwick 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.

BE/60/09 – Demolition of existing GP surgery, adjacent changing rooms and temporary buildings. Construction of new GP surgery, pharmacy and associated parking. Construction of detached changing rooms for adjacent recreation ground. Including change of use of part of recreation ground to form part of curtilage of GP surgery, 32 Durlston Drive, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing further consultation responses received, the Committee

RESOLVED

That the application be approved as detailed in the report and delegated authority be given to the Assistant Director of Planning and Housing Strategy to grant planning permission should Sport England raise no objections.

BR/93/09 – Conversion and change of use of existing ground floor offices, rear of 85 Aldwick Road, into self contained two bed flat unit, 85 Aldwick 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 Biss had declared a prejudicial interest and left the meeting and took no part in the debate or vote.)

BR/157/09 – Addition of one 600mm dish to an existing installation on roof, Fitzleet House, Queensway, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/174/09 – Proposed single storey extension and alteration of existing dwelling to form 1 No. 1 bed and 1 No. 2 bed flats, 51 Collyer Avenue, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing substitute plans received and a resultant additional condition, the Committee

RESOLVED

Subject to approval at the next Committee meeting

224

Development Control
Committee – 09.09.09.

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

EP/90/09 – Demolition of existing buildings and residential redevelopment to provide 14 No. houses and apartments, with associated parking and open space, Churchfield, Station Road, East Preston Having received a report on the matter, together with the officer's written report update detailing an additional representation and amended elevation plans received and resultant amended conditions, the Committee

RESOLVED

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

EP/98/09 – Change of use of land at the rear of Mardi Gras from beach to residential curtilage, with a low level wall (1m above beach level) along the east, west and southern boundaries, Mardi Gras, Club Walk, South Strand, East Preston Having received a report on the matter, together with the officer's written report update detailing additional representations and substitute plans received and resultant amended conditions, the Committee

RESOLVED

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

EP/100/09 – Free standing summerhouse, Apartment 1, Seascapes, South Strand, East Preston Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

(During the course of consideration of the following application, Councillor Wiltshire declared a personal interest as he had an interest in a property in Barnham Road. He remained in the meeting and took part in the debate and vote.)

EG/33/09 – Extension of existing residential care home to provide nine additional bedrooms with related recreational areas (resubmission following EG/17/08), 150 Barnham Road, Barnham Having received a report on the matter, together with the officer's written report update detailing additional

Subject to approval at the next Committee meeting

225

Development Control
Committee – 09.09.09.

representations received and a verbal update on a further letter of support received, a request was made that the offer from the agent to have blackout blinds fitted at the windows overlooking No. 148 Barnham Road should be taken up. It was therefore agreed that an additional condition should be placed on any approval and the Committee

RESOLVED

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

“Before development commences, details of the type and position of blackout blinds facing the neighbouring property at 148 Barnham Road shall be submitted and approved in writing by the Local Planning Authority. The approved blackout blinds shall be fully drawn across the windows when lights are switched on, in rooms that they serve.

Reason: In order to safeguard the residential amenities of the neighbouring property at 148 Barnham Road in accordance with Policy GEN7 of the Arun District Local Plan.”

FP/91/09 – Loft conversion alterations to form a pair of linked homes for adults with learning difficulties, 50 & 52 Felpham Way, Bognor Regis
Having received a report on the matter, together with the officer’s verbal update detailing an additional representation received, a request was made and agreed that a site visit should take place to assess the visual impact of the dormers and the impact of the proposal on the neighbouring property. The Committee therefore

RESOLVED

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

FP/105/09 – Proposed ground floor, side and rear extension and loft conversion with rear dormer extension, 54 Glynde Crescent, Bognor Regis
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

Subject to approval at the next Committee meeting

226

Development Control
Committee – 09.09.09.

FP/110/09 – Convert an incomplete extension into a new dwelling, Fernbank Cottage, Waterloo Road, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

The Chairman then called a 15 minute adjournment to the meeting.

FG/74/09 – Alterations to rear of retail unit and conversion to form one bedroom flat, 66 Ferring Street, Ferring 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 Wiltshire had declared a personal interest and remained in the meeting and took part in the debate and vote.)

LU/181/09 – New dwelling, Land adjacent to 98 Oakcroft Gardens, Littlehampton 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 Wiltshire had declared a personal interest and remained in the meeting and took part in the debate and vote.)

LU/186/09 – Revised layout to plots 137,138 and 139 previously approved under LU/149/04 and LU/171/06, plus one additional dwelling along with associated garage and driveway access, Former HRI site, Worthing Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing an amended Informative regarding the Section 106 Agreement, the Committee

RESOLVED

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

Subject to approval at the next Committee meeting

227

Development Control
Committee – 09.09.09.

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

LU/203/09 – Construction of a two storey three bedroom residential dwelling (Resubmission of LU/362/06, Land adjacent to 107 Clun Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing a further consultation response, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

P/64/09 – Replacement of existing sub standard bungalow, 74 Harbour Road, Pagham Having received a report on the matter, together with the officer's written report update detailing a consultation response from the Environment Agency, the Committee was of the view that a site inspection should take place to assess the impact of the proposal in the Area of Special Character and therefore

RESOLVED

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

PA/8/09 – Use of land for the stationing of one caravan for residential occupation with associated hardstanding (this application also falls within the Parish of Angmering), Land to rear of Fox Inn, Arundel Road, Patching Having received a report on the matter and following discussion, it was suggested that the temporary permission should be for 18 months rather than 12 months as detailed in the report to tie in with the work on the Local Development Framework (LDF) and the Committee

RESOLVED

That the application be approved as detailed in the report, subject to amendment of Condition 1 to a period of 18 months.

Development Control
Committee – 09.09.09.

R/134/09 – Ground floor extension, removal of existing roof raising eaves level and rooms in new roof, 4 Broadmark Avenue, Rustington Having received a report on the matter, together with the officer's written report update detailing substitute plans and the resultant additional condition, the Committee

RESOLVED

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

324. ADOPTION OF THE 45 DEGREE RULE AS A TOOL TO ASSIST IN ASSESSING PLANNING APPLICATIONS

As a result of a complaint investigation it had been concluded that consideration should be given to using the 45 degree rule as part of the process of assessing planning applications. The Head of Development Control presented a report which explained the 45 degree rule as being an example of a non mandatory tool many local authorities had adopted as a matter of best practice and which balanced the interest of those persons wishing to extend their properties and those of their neighbours by ensuring that extensions did not seriously affect a neighbour's outlook or daylight.

Following consideration, the Committee

RESOLVED That

(1) the 45 degree rule be adopted as a tool to assist in the determination of planning applications;

(2) in those instances where the 45 degree line is not adhered to, officers must provide clear reasoned justification for recommending an approval of planning applications; and

(3) a guidance note publication be produced for agents/applicants explaining the 45 degree rule and requirements to be met.

(Prior to consideration of the following application, Councillor Mrs Olliver declared a personal interest as a member of the Policy Site 6 Advisory Group. She remained in the meeting and took part in the vote.)

325. DIVERSION OF FOOTPATH NO. 154 AT SITE 6, FELPHAM

The Planning Solicitor presented a report to the Committee which set out the detail of why a request was being made to apply to the Secretary of State for Environment, Food and Rural Affairs (DEFRA) to arrange an Inquiry to hear objections to the Diversion of Footpath 154 at Site 6, Felpham. An amended plan of the footpath was circulated at the meeting as the version included in the Agenda was incorrect.

Following consideration, the Committee

RESOLVED

That, in view of the outstanding objections and the established case for the Diversion, the necessary papers be sent to the Secretary of State requesting a public inquiry.

(Prior to consideration of the following application, Councillor Mrs Olliver declared a personal interest as a member of the Policy Site 6 Advisory Group. She remained in the meeting and took part in the vote.)

326. DIVERSION OF FOOTPATH NO. 2988 AT SITE 6, FELPHAM

The Planning Solicitor presented a report to the Committee which set out the detail of why a request was being made to apply to the Secretary of State for Environment, Food and Rural Affairs (DEFRA) to arrange an Inquiry to hear objections to the Diversion of Footpath 2988 at Site 6, Felpham. An amended plan of the footpath was circulated at the meeting as the version included in the Agenda was incorrect.

Following consideration, the Committee

RESOLVED

That, in view of the outstanding objections and the established case for the Diversion, the necessary papers be sent to the Secretary of State requesting a public inquiry.

Development Control
Committee – 09.09.09.

327. EXEMPT BUSINESS

The Committee

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.

328. ENFORCEMENT MATTERS (Exempt – Paragraph 5 – Legal Proceedings)

CIC/AL/7/07 – Alleged unauthorised additional caravans, Wyndham Acres, Northfield Lane, Aldingbourne Having received a report on the matter, Members were advised that a number of breaches of planning control had been identified at the site, the majority of which could be dealt with under delegated powers. However, in respect of “Stables in the paddock to the rear of the mobile home” a decision was required of the Committee and, following consideration it was

RESOLVED

That no further action be taken to remedy this breach as no harm is caused to the character/appearance of the area and any change of use from stables could be subject to usual planning controls subject to no planning applications being received by 11th September 2009.

ENF/103/08 – Alleged unauthorised change of use, Mission Room, Lidsey Road, Aldingbourne 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.

329. RESPONSE REQUIRED ON DECISION MADE BY MEMBERS ON PLANNING APPLICATION BE/47/09, CHALCRAFT NURSERY & ASSOCIATED LAND, CHALCRAFT LANE, BOGNOR REGIS (Exempt – Paragraph 5 – Legal Proceedings)

At its meeting on 12th August 2009 the Committee had considered Planning Application BE/47/09 and determined not to accept the officer recommendation to approve and had instead refused the proposal for five reasons as set out in the Minutes of that meeting.

The Committee now received a report which was seeking guidance from Members as to what course of action should be taken as the agent had sent in a letter to which he required a response. However, the Assistant Director of Planning and Housing Strategy advised that, since the report had been written, an appeal had been lodged with the Planning Inspectorate and further detailed information had been circulated to Members via email prior to the meeting which set out the grounds on which the appellant was seeking to appeal the decision. A steer from the Committee was therefore being sought as to how it wished to deal with this matter, with options being given as:-

- To defend the decision made at the last meeting which was to refuse for 5 reasons; and
- If the decision was to be defended, how to go about doing that, i.e. whether to employ consultants or whether to use the in-house planning team to provide factual material and the proposer and seconder of the motion to put forward the Committee's grounds for refusing the application; or
- To not defend the appeal and invite the applicant to submit a new application.

The Committee participated in a lengthy debate and received strong advice from the Assistant Director of Planning and Housing Strategy on a number of issues relating to possible costs; timescales; and whether the appeal should be heard by way of written representations or public inquiry. It was pointed out that this latter decision might be taken out of the Committee's hands as it was ultimately for the Planning Inspector to decide and the applicant's agent had already indicated that he had requested a public inquiry.

The outcome of the discussion was that Members were of the view that the decision should be defended and that consultants should be employed to present the Council's case. They were advised that the Planning budget would not be able to cover any costs of the appeal and a report would have to be prepared for Cabinet requesting approval of a supplementary estimate for ultimate decision by Full Council.

Subject to approval at the next Committee meeting

232

Development Control
Committee – 09.09.09.

The Committee

RESOLVED – That

- (1) the appeal be defended and consultants be appointed;
- (2) the decision for the case to be heard by way of written representation or public inquiry be delegated to the Planning Portfolio Holder, in consultation with the Chairman and Vice-Chairman; and
- (3) due to the tight timescales, any required amendments to the case be delegated to the Planning Portfolio Holder, in consultation with the Chairman and Vice-Chairman.

(The meeting concluded at 6.55 p.m.)