

DEVELOPMENT CONTROL COMMITTEE

15<sup>th</sup> July 2009 at 2.30 p.m.

Present : Councillors Mrs Goad (Vice-Chairman, in the Chair), Biss, Bower, Brooks (substituting for Councillor Mrs Olliver), R. Brown (substituting for Councillor Mrs Hall), Butler, Evans, Gammon, Mrs Harrison, Haymes, Mrs Maconachie, Oliver-Redgate Mrs Stainton, Steward and Wiltshire.

(Note: Councillor Butler was absent from the meeting during consideration of the matters referred to in Minutes 171 to 176 and Minutes 179 (from Application A/45/09) to 180.)

171. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Hall and Mrs Olliver.

172. WITHDRAWN APPLICATION

The Chairman advised the meeting that under Agenda Item 10, Planning Application BR/93/09 had been withdrawn from the agenda.

173. DECLARATIONS OF INTEREST

Councillor Biss gave notice of a personal interest in Agenda Item 10, Planning Application CM/7/09 and Agenda Item 11, Enforcement Matter ENF/442/08 as the applicant and defendant respectively were known to him as members of Climping Parish Council.

Councillor Brooks gave notice of a prejudicial interest in Agenda Item 10, Planning Application BR/112/09 as he knew the owner and had business dealings with him. He stated he would leave the meeting during its consideration.

Councillor Mrs Maconachie gave notice of a personal interest in Agenda Item 10, Planning Application BR/107/09, as she lived in the locality.

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174. MINUTES

The Minutes of the meeting held on 17<sup>th</sup> June May 2009 were approved as a correct record and signed by the Chairman.

175. NEW ARRANGEMENTS FOR DEALING WITH WEST SUSSEX COUNTY COUNCIL APPLICATIONS

The Committee had previously agreed at its meeting on 29<sup>th</sup> April 2009 that the Council's Constitution should be amended to put in place new procedures for dealing with West Sussex County Council Regulations 3 and 13 applications. However, at that time, County Matter applications (which usually dealt with mineral and waste proposals) were omitted from the amendment and this report sought to rectify that omission. The agreement of Members was therefore now being sought to include County Matter applications in the new arrangements and the Committee

RESOLVED

That authority for formally commenting on all County Matter applications be delegated to the Assistant Director for Planning and Housing Strategy or the Head of Development Control, unless a written request is received from the Chairman or Vice Chairman of the Development Control Committee within three weeks of the consultation date for the application to be referred to the Development Control Committee for consideration prior to providing a consultation response; and

RECOMMEND TO THE GOVERNANCE COMMITTEE

That the necessary amendments to the Council's Constitution be referred to Full Council for ratification.

176. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – FP/55/09 – INTERNAL ALTERATIONS, MINOR AMENDMENTS TO FENESTRATION AND OTHER ARCHITECTURAL DETAILING TO ELEVATIONS. EXTEND LOFT STORAGE ENCLOSURE AND MINOR EXTENSION TO GARAGE. COMPLETION OF BALCONY CONSTRUCTION. RAISING OF REAR BOUNDARY WALL FOR PRIVACY/SECURITY PURPOSES, 6 DAVENPORT ROAD, FELPHAM

The Committee received a report from the meeting of the Site Inspection Panel held on 23<sup>rd</sup> June 2009, together with the officer's written

report update detailing substitute plans and further letters of objection received and adding Councillor Mrs Goad as being present.

In discussing the matter, members of the Site Inspection Panel stated that the main concern with the application had been the proposed height of the boundary wall. However, this had now been withdrawn as detailed in the substitute plans submitted and a further concern about the roof space was addressed by the Planning Team Leader at the meeting. A suggestion was put forward that, should the application be approved, a condition requiring self-cleaning paint should be placed on the approval but, following advice from the Planning Solicitor, this was withdrawn. The recommendation from the Site Inspection Panel to refuse the application for the reasons set out in the report was no longer deemed to be valid and the Committee therefore

RESOLVED

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

177. PREVIOUSLY DEFERRED APPLICATION – FP/133/08 – REDEVELOPMENT OF SITE TO PROVIDE A1 RETAIL USE WITH ASSOCIATED CAR PARKING, 126 FELPHAM WAY, FELPHAM

Prior to consideration of this item, the Chairman 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 supported by the Committee.

The Committee received a comprehensive update report from the Strategic Development Planner which set out the detail of the results of the findings from the Council's independent transport consultant, who had been commissioned to assess the impact of the proposal on the local highway network. Members were advised that the consultant did not consider the proposals to be flawed from a highway point of view and a response from the

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applicant's agent to a number of points that had been made was also included in the report for consideration. In the officer's view, these further representations from the applicant were of a satisfactory nature.

As there was a concern that the 16 allocated parking spaces should not be greatly reduced by staff parking, it was suggested and agreed that an additional condition should be included in the recommendation to approve as follows:-

“Details of a Travel Plan, including car parking arrangements for staff, shall be submitted to and approved in writing by the local planning authority before development is commenced.”

The Committee then participated in a detailed debate on the highway merits of the proposal. Due to their local knowledge of traffic flows in the immediate vicinity of the site, Members were still extremely concerned about the highway issues and the potential for accidents and traffic backups at this particular junction and roundabout, despite the findings of the independent consultant. However, it was acknowledged that the Council had no planning reasons to justify a refusal and the Committee therefore

#### RESOLVED

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

“Details of a Travel Plan, including car parking arrangements for staff, shall be submitted to and approved in writing by the local planning authority before development is commenced.

Reason: To accord with sustainable travel policies in accordance with policy GEN 7 of the Arun District Local Plan.

**The Chairman then called a short adjournment to the meeting.**

#### 178. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 7 appeals that had been heard and was advised by the Cabinet Member for Planning that the appeal relating to AW/264/08, 35 Willowhale Avenue, Bognor Regis, which had very recently been heard, had been dismissed.

179. PLANNING APPLICATIONS

*(During the course of consideration of the following application, Councillor Wiltshire declared a personal interest as the applicant was also a member of Littlehampton Golf Club. He remained in the meeting and took part in the debate and vote.)*

AW/64/09 – Alterations and extension of existing 2 No. flats to form 4 No. 1 bedroom and 1 No. 2 bedroom flat, 10 & 10A Princess Avenue, Aldwick  
Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/68/09 – Change of use of existing 2 No. 3 bedroom flats into 1 No. 4 bedroom family house, 1 & 2 Hunters Close, Aldwick Having received a report on the matter, Members were advised that the agent was a member of staff. The Committee then

RESOLVED

That the application be approved as detailed in the report.

AW/71/09 – Taking out existing Cypress Leylandii trees to construct boundary wall and garage, 1 St Peters Close, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional condition requiring the submission of additional elevation plans prior to the commencement of the proposed development, a suggestion was put forward and agreed that no burning of materials should take place on site and that Condition 2 should be amended accordingly. The Planning Team Leader also verbally recommended a planning condition regarding the submission and approval of structural calculations for the proposed wall and garage adjacent to the footway should the application be approved. The Committee then

RESOLVED

That the application be approved as detailed in the officer report update and subject to amendment of Condition 2 and the addition of an additional condition relating to structural calculations for the proposed wall and garage to read:

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“The burning of materials obtained by site clearance or from any other source shall not take place within the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with Policy GEN7 of the Arun District Local Plan.

No development shall take place unless and until details of the structural calculations for wall and garage flanking the footway have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of public safety in accordance with Policy GEN7 of the Arun District Local Plan.”

A/45/09 – New fume extract system, Santa Maria Restaurant, The Square, Angmering Having received a report on the matter, together with the officer’s written report update detailing amended and additional conditions relating to implementation periods; time limit for the hours of operation of the flue; and painting of the flue, the Committee participated in a detailed debate regarding the merits of the scheme. Members were advised that the application had come forward following enforcement action and extensive discussion with the Environmental Health Department and steps were to be taken to minimise the impact of the structure on the visual amenity of the Conservation Area. The Committee

RESOLVED

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

AB/46/09 – One chalet bungalow in south garden with double garage, resubmission of AB/135/08, 21 Priory Road, Arunde! Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/87/09 – Provision of additional 1 bed flat to previously approved scheme (to provide 2 No. flats at forth floor level), 2-10 Queensway, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/93/09 – Conversion & 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 had been advised that this application had been withdrawn from the agenda for the reasons detailed in the officer report update circulated at the meeting.

BR/101/09 – Erection of one 3 bed detached dwelling, 61-63 Mead Lane, Bognor Regis Having received a report on the matter, together with the officer's verbal update that an additional condition would be included to take account of the fact that no consultation response had as yet been received from the Environment Agency, the Committee

RESOLVED

That the application be approved as detailed in the report, subject to the comments of the Environment Agency and any additional conditions that may be recommended.

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

BR/107/09 – Change of use from restaurant (A3) to 3 bedroom house (C3), 2 The Steyne, Bognor Regis Having received a report on the matter, a request was made for officers to have discussion with the applicant to mitigate the problem of black sacks being left on the pavement for refuse collection. An undertaking was given that the comment would be taken up with Environmental Health. 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 Brooks had declared a prejudicial interest and he left the meeting and took no part in the debate or vote.)*

BR/112/09 – Conversion of existing retail unit into two self-contained flats, 2 Maderia Parade, 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.

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

CM/7/09 – Construction of material recycling facility for construction and demolition skip waste with continuation of CM/25/08 to process plastics, paper recycling, cardboard and tyres with new yard area, stockpile area and weighbridge/office facility (This is a County Matter application and will be determined by West Sussex County Council), Hangar No. 8, Northwood Farm, Burndell Road, Yapton Having received a report on the matter, views were expressed that a routing agreement should be put in place to address concerns regarding the additional traffic movements to and from the site and that, under Crime & Disorder, security should be included to prevent instances of vandalism occurring. The Strategic Development Planner stated that these comments would be forwarded to the County Council for consideration when determining the application. The Committee

RESOLVED

That no objection be raised to the application, subject to a routing agreement being put in place and the matter of security to be included in any permission.

FG/60/09 – Erection of side extension and new gables to front elevation/rear elevation, 162 Littlehampton Road, Ferring Having received a report on the matter, some Members still expressed the same concerns that had been voiced in respect of the previous applications at this site and were of the view that the situation had not changed so materially as to enable them to now support this proposal. In a split vote, the Committee did not support the officer recommendation to approve and refused the application on the grounds as put forward for previous applications in that it was overbearing and unneighbourly 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 GEN7 and DEV19 of the Arun District Local Plan.”

P/39/09 – Continuance of use without compliance with condition No. 3 imposed under planning reference No. P/9/07 relating to new access, 6 Hook Lane, Rose Green, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

180. ENFORCEMENT MATTERS

*(Prior to consideration of the following item, Councillor Biss had declared a personal interest and, following advice from the Planning Solicitor, left the meeting and took no part in its consideration.)*

ENF/442/08 – Alleged unauthorised works to trees, Land rear of Ancton Way, Middleton on Sea The Committee received and noted an information report detailing the outcome of the court case in respect of this matter.

The Committee then had to consider confidential enforcement matters and so

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.

Subject to approval at the next Committee meeting

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ENF/101/09 – Alleged unauthorised adverts, Wayside, Shripney Road, Bersted 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 advertisement does not have the benefit of advertisement consent and this fact will be revealed on CON/29/A when a local Land Charges search is undertaken.

ENF/157/09 – Alleged unauthorised damage to tree, Allangate House, Rustington Having received a report on the matter, the Committee

RESOLVED

That authority be granted under section 210(4) of the Town and Country Planning Act 1990 to institute legal proceedings for the failure to comply with a Tree Preservation Order.

ENF/575/08 – Alleged unauthorised terrace, Rear of 20 River Road, Arundel 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 advertisement does not have the benefit of advertisement consent and this fact will be revealed on CON/29/A when a local Land Charges search is undertaken.

(The meeting concluded at 6.00 p.m.)