

Subject to approval at the next Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

29th April 2009 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Biss, Bower, Brooks, Butler, Evans, Gammon, Mrs Harrison, Haymes, Mrs Maconachie, Oliver-Redgate, Mrs Olliver, Mrs Smee, 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 Butler, Minute 1034; Councillor Oliver-Redgate, Minutes 1025 to 1030 (part).]

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

1025. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Hazlehurst.

1026. DECLARATIONS OF INTEREST

Councillor Bower gave notice of a personal interest in Agenda Item 10, Planning Application EP/11/09 and Planning Application EP/37/09 as both sites were on the estate where he lived and he was a member of the Estate Association.

Councillor Mrs Maconachie gave notice of a personal interest in Agenda Item 10, Planning Application BN/3/09 as her husband was a District Council representative for that area.

1027. MINUTES

The Minutes of the meeting held on 8th April 2009 were approved as a correct record and signed by the Chairman.

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1028. WITHDRAWN APPLICATION

The Chairman advised the meeting that Planning Application EP/37/09 had been withdrawn from the Agenda as it had been dealt with under delegated powers.

1029. NEW ARRANGEMENTS FOR DEALING WITH WEST SUSSEX COUNTY COUNCIL APPLICATIONS

The Assistant Director for Planning and Housing Strategy presented a report which set out the detail of new procedural arrangements that had to be put in place following West Sussex County Council taking on responsibility for publicising its Regulation 3 and 13 applications from 1st April 2009. As a result and as a Statutory Consultee, the Committee was requested to agree minor changes to the Council's Constitution. Following consideration, the Committee

RECOMMEND TO THE GOVERNANCE COMMITTEE

That agreement be given to amend the relevant part(s) of the Council's Constitution such that the authority for formally commenting on all County Council Regulation 3 and 13 applications is 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 (DCC) within 3 weeks of the consultation date for the application to be referred to the DCC for consideration prior to providing a consultation response.

1030. 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

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 unanimously supported by the Committee.

The Committee received a detailed report from the Assistant Director of Planning and Housing Strategy which set out the further information that had been requested following deferral of this application at the meeting held on 26th November 2008 with regard to whether there was a requirement for the Council to provide a pitch for the applicant under the West Sussex Gypsy and Traveller Accommodation Assessment. The written officer report update circulated at the meeting advised Members of an additional representation received.

Whilst the personal circumstances of the applicant had been duly noted and given an appropriate level of weight in the consideration of this application, the fact remained that the site lay outside the Built-up Area boundary in the countryside which needed to be protected from unwelcome development for its own sake. In addition, the Council did not want to prejudice the outcome of current studies into allocating permanent gypsy/traveller sites in the District in accordance with the identified need for between 14 and 18 new pitches, or the Local Development Framework process. The officer recommendation was therefore to refuse the application.

Following consideration, the Committee

RESOLVED

That the application be refused as detailed in the report.

1031. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 8 appeals that had been heard.

1032. TREE APPLICATION

AW/11/09/T – Removal of rear garden Willow tree and stump due to honey fungus infection, 8 Shorecroft, Bognor Regis Having received a report on the matter, the Committee

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RESOLVED

That the application be approved as detailed in the report.

1033. PLANNING APPLICATIONS

SL/26/08 – Chemical disposal unit and water supply, Stoneyfield Farm, Shellbridge Road, Slindon Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

PA/1/09 – Amended proposals following planning approval PA/1/08 for alterations and extensions to provide garage, bedroom with balcony over, first floor extensions to provide kitchen, dining room and living room, 130 Michelgrove Park, Dairy Lane, Patching Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

PA/25/08 – Stationing of residential mobile home for settled gypsy accommodation, erection of 1.8m high gates and formation of crossover, The Wood Yard, France Lane, Patching Having received a report on the matter, together with the officer's written report update detailing additional information received and a representation from Environmental Health with subsequent amended conditions, the Assistant Director of Planning and Housing Strategy reminded Members about the history of the site. There was an enforcement notice in effect at the present time so, whilst the site was occupied in contravention, there was no immunity being built up. However, if planning permission was to be granted, that would represent a new chapter in the planning history of the site and a new enforcement notice would have to be served to get back to the present situation.

The officer's view was that, although the site lay outside of the Built-up Area boundary in the countryside, which needed to be protected from unwelcome development for its own sake, the personal circumstances of the applicant and the provision of ODPM Circular 01/2006 justified the granting of a temporary permission for a period of eighteen months. During that period the Council would make further progress towards identifying and allocating suitable permanent gypsy and traveller sites within the District through the

Local Development Framework process to meet the identified longer term needs of the community.

A view was expressed that, in view of the issue of contamination, a professionally qualified consultant should undertake the risk assessment to ensure a high standard of advice was obtained. It was suggested and agreed that this application should be deferred until such time as a satisfactory report was received in respect of land contamination, with any decision being delegated to the Assistant Director of Planning and Housing Strategy, in consultation with the Chairman. The Committee therefore

RESOLVED

That the application be deferred, with delegation to the Assistant Director of Planning and Housing Strategy, in consultation with the Chairman, in order to receive a contamination survey from the applicant and for Environmental Health to confirm that the said survey is satisfactory.

FN/06/09 – Single storey extension to the south of the building. New secure lobby on the west elevation of the building. External works to include a new car park, netball court and paths, St John Baptist Primary School, School Hill, Findon Having received a report on the matter, together with the officer's written report update relating to substitute plans, Members expressed a view that, as the applicant had offered to plant hedging along the boundary with the affected neighbour to soften the effect of the fence, this should be taken up. The Committee therefore

RESOLVED

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

“The development hereby permitted shall not be carried on until trees and/or shrubs and/or hedging of species to be approved by the Local Planning Authority have been planted along the adjoining boundary with No. 6 High Street, Findon. In the event that any such planting die or become seriously damaged or diseased within a period of 5 years following their planting, they shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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FG/13/09 – Extension to kitchen at rear with balcony over same to first floor accommodation. Resubmission following FG/138/08, Restaurante Andalucia, 60 Ferring Street, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/174/08 – Relocation of permitted building as per application FG/208/07. Car parking to current standards, including improved circulation to avoid tail back onto dual carriageway, with associated landscaping. Change of use of existing agricultural land to be used in connection with the new retail building – Dual Parish with Angmering – Country Fayre, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing a correction to the report relating to size of the building and car parking requirements, the Committee welcomed the improved access to and egress from the site and

RESOLVED

That the application be approved as detailed in the report.

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

EP/11/09 – Various extensions/additions, internal/external alterations, Mardi Gras, South Strand, East Preston 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.

EP/37/09 – Demolition of existing garage, extension to chalet bungalow comprising ground and first floor accommodation Having received a report on the matter, the meeting had been advised that this application had been withdrawn.

BR/18/09 – Subdivision of existing dwelling to 7 bedrooms with shared facilities (communal kitchen, bathrooms, laundry room) limited to 7 occupants, 72 Nyewood Lane, Bognor Regis Having received a report on the matter, it was emphasised to the Committee that it was important to note the legal

agreement restricting use of the house to 7 occupants. However, Members still raised serious concerns and disputed that this proposal could be compared to a family occupation. It was also felt that it would be difficult to deal promptly with issues of noise and disturbance by way of enforcement action as this had to follow a laid down process. The Planning Team Leader reminded the Committee that the Council did not have a policy to protect the loss of family residences and that enforcement action or the lack of it could also not be taken into account. The Committee felt that residential amenity and the character of the area were still pertinent reasons for refusal, as used for the previous proposal, and did not accept the officer recommendation to approve. The Committee

RESOLVED

That the application be refused for the following reason:-

“The conversion of an established semi-detached house in this locality to form a house in Multiple Occupation would represent a form of development which would be out of keeping with the present character of the area and be detrimental to the environment of neighbouring properties by reason of disturbance and noise in conflict with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.”

BR/32/09 – Proposed extension to decking area 4500 x 5400 plus extension to rear of kiosk 4600 x 1100, A1 Kiosk, Bognor Regis Seafront, Junction of Gloucester Road and Esplanade Having received a report on the matter, it was acknowledged that there was a discrepancy between the drawings illustrating the proposal. The Committee sought an assurance that the extension to the kiosk would not restrict the walkway behind it and therefore

RESOLVED

That the decision be delegated to the Head of Development Control, in consultation with the Chairman, following receipt of a satisfactory block and site plan showing the extension of the kiosk in accordance with the elevation plans and a walkway behind the kiosk of at least 1 metre.

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

BN/3/09 - Replacement village hall together with the erection of a terrace of 4 No. 2 bed houses and 4 No. 3 bed houses on former village hall site, relocation of vehicular access, Barnham Community Hall, Yapton Road, Barnham Having received a report on the matter, together with the officer's written report update detailing an amended recommendation as the application had been re-advertised and the deadline for comments was now 21st May 2009, Members expressed concerns relating to the proximity of Larkfield to parts of the proposal and the adverse effect this could have on that property. The proposal was very much welcomed and was seen as an excellent facility for the people of Barnham but it was hoped that the Parish Council would be able to take on board the problems the proposal would cause for the adjoining property and make every effort to find a solution for the resident by resiting the refuse store and 3 car parking spaces. The Committee therefore

RESOLVED - That

(1) the decision be delegated to the Head of Development Control, in consultation with the Chairman, following receipt of consultation responses from Sports England and any further representations received following the extended publicity period and that satisfactory amended plans be submitted to show resiting of a refuse store and 3 car parking spaces adjacent to the annexe building at Larkfield; and

(2) the Government Office for the South East be notified of the Council's decision and given the opportunity to 'call-in' the application, if required, within the prescribed time period before permission be granted.

AW/7/09 – Demolition of existing house and the erection of 10 No 2 bedroom apartments together with garaging, parking and landscaping, re-use of existing access, Moonrakers, Dark Lane, off Strange Gardens, Aldwick Having received a report on the matter, together with the officer's written report update detailing additional representations received, Members were extremely concerned that County Highways' contention that two vehicles could pass along Dark Lane was wrong and that it was in fact impossible for two cars to pass, particularly as there were high walls along its length. The Site Inspection Panel had visited the site and was of the view that Dark Lane was inadequate to support an increased number of properties and resultant

increase in traffic movements, particularly as this was a popular pedestrian route to access the beach.

Further comments were made that the proposed building would be out of character in this location and would constitute an overdevelopment and over intensification of the site.

The Assistant Director of Planning and Housing Strategy, whilst acknowledging that Members were indicating they might wish to reject this application for reasons other than the access, was anxious that the correct advice should be obtained with regard to the overriding concern relating to highways issues. He therefore suggested that the item be deferred in order to obtain a full independent traffic analysis in terms of access and a full highways risk assessment in respect of the site. The Committee agreed and

RESOLVED

That the application be deferred to seek a full independent traffic analysis in terms of access and a full highway risk assessment in respect of the site.

(During the course of consideration of the following item, Councillor Wiltshire declared a personal interest as the Council's representative on the Conservation Area Advisory Committee. He remained in the meeting and took part in the debate and vote.)

AW/29/09 – Garage and porch extension, 25 Kingsway, Craigweil, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional representation received and a consultation response from the Council's Conservation and Design Manager which was circulated separately at the meeting, Members supported a request for a site visit to assess the impact of the proposal on the character and appearance of the recently designated Conservation Area. The Committee therefore

RESOLVED

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

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1034. ENFORCEMENT MATTERS

CON/LU/30/07 – Alleged unauthorised caravans, Wastewater Treatment Works, Ferry Road, Littlehampton The Committee was advised that this matter had been included in the Agenda in error as it had been considered at the previous meeting.

(The meeting concluded at 5.58 p.m.)