

DEVELOPMENT CONTROL COMMITTEE

15th October 2008 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Biss, Bower, Butler, Evans, 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:- Councillors Butler, Minute 492 to 499 (up to Planning Application EP/41/08); and Councillor Mrs Olliver, Minute 499 (from Planning Application R/190/08) to Minute 501.)

492. DEFERRED APPLICATION

The Chairman advised the meeting that Planning Application SL/26/08, to be considered under Agenda Item 9, had been deferred from the Agenda.

493. APOLOGIES FOR ABSENCE

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

494. DECLARATIONS OF INTEREST

Councillor Evans gave notice of a prejudicial interest in Agenda Item 9, Planning Application Y/54/08 as he knew the applicant. He stated that he would reserve his right to speak to the item but would then leave the meeting during its consideration.

Councillor Mrs Hall gave notice of a personal interest in Agenda Item 9, Planning Applications P/5/08 and P/107/08 as a member of Pagham Parish Council.

Councillor Haymes gave notice of a personal interest in Agenda Item 9, Planning Application Y/54/08 as the applicant was known to him as an ex District Councillor and as a serving member of Yapton Parish Council.

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Mrs Olliver gave notice of a personal interest in Agenda Item 9, Planning Application BR/189/08 as a member of the Women's Section of the British Legion which had premises immediately adjacent to the proposal. She stated that she would abstain when the vote was taken on this item.

Councillor Mrs Smee gave notice of a personal interest in Agenda Item 9, Planning Application LU/207/08 as the applicant was a friend.

495. MINUTES

The Minutes of the meeting held on 24th September 2008 were approved as a correct record and signed by the Chairman.

(Prior to consideration of the following item, Councillor Mrs Olliver had declared a personal interest and remained in the meeting but abstained when the vote was taken.)

496. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – BR/189/08 – DEMOLITION OF EXISTING FACTORY AND ERECTION OF 17 NO. 1 BED FLATS AND 3 NO. 2 BED FLATS WITH 7 NO. PARKING SPACES – REVISED PLANNING APPLICATION FOLLOWING BR/50/08, CLIFTON WORKS & TULLETTS GARAGE, CLIFTON ROAD, BOGNOR REGIS

The Committee received a report on a meeting of the Post Site Inspection Panel held on 30th September 2008, together with the officer's written report update detailing the appeal decision relating to a previous application at the site, and

RESOLVED

That the application be approved as detailed at the Appendix to the report.

497. REPORT OF THE MEETING OF THE POST COMMITTEE SITE INSPECTION PANEL – BR/250/08 – THE DEMOLITION OF A DWELLING AND GARAGE AND THE ERECTION OF A BLOCK COMPRISING 3 NO. 2 BED FLATS AND 6 NO. 1 BED FLATS WITH CAR PARKING. RESUBMISSION FOLLOWING APPLICATION BR/156/08, 62 VICTORIA DRIVE, BOGNOR REGIS

The Committee received a report on a meeting of the Post Site Inspection Panel held on 30th September 2008, together with the officer's written report update detailing a correction to the report, and agreed with the Panel's view that the proposal would be out of keeping with the character and

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appearance of neighbouring properties. The Committee, therefore, did not accept the officer's recommendation to approve and

RESOLVED

That the application be refused for the following reason:

"The height, scale and density of the proposed 9 flats with car parking would be out of keeping with the character and appearance of neighbouring properties. The proposal is therefore contrary to Policies GEN7 of the Arun District Local Plan and DEV1 of the West Sussex Structure Plan."

498. PLANNING APPEALS

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

499. PLANNING APPLICATIONS

AW/175/08 – Rear extension and new loft room in new pitched roof above existing garage. Rear extension to lounge and kitchen, 5 Grangefield Way, Grange Park, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BE/78/08 – Erection of 1 No. 3 bedroom house on land adjacent to 341 Chichester Road, (revised vehicular access to rear), 341 Chichester Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a further representation received from Bersted Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

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BR/249/08 – Conversion of a detached two storey house into two flats, Rear 2 storey extension, 6 Devonshire Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/274/08 – Subdivision of existing dwelling as two houses, 1 Stanford Close, 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.

EP/41/08 – Change of use from 4 bed detached house to day nursery and before and after school facility for a maximum of 24 children, 102 Sea Road, East Preston Having received a report on the matter, together with the officer's written report update detailing additional representations received, the Committee participated in an extensive debate which centred on concerns with regard to parking, noise and outside play areas. It was agreed for clarification purposes and for the avoidance of doubt that 90 minutes should be included in brackets following the 1½ hour outside play time, as detailed at Condition 3, and that all outside play should take place only in the rear garden. The Committee then

RESOLVED

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

Condition 3: Other than 1½ hours (90 minutes) in total in the morning and 1½ hours (90 minutes) in total in the afternoon, there shall be no outside play/use and no more than 6 children shall be outside at any one time. The outside play/use shall take place only within the rear garden area.”

FP/159/08 – Two storey extension to east and west elevations and single storey extension to the rear elevation. Resubmission following FP/49/08, 26 Culver Road, 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.

F/19/08 – Double storey extension to side and rear of existing property. Change of use of part of agricultural land to residential. Extend existing vehicular access. (Departure from development plan), 5 Station Road, Ford Having received a report on the matter, together with the officer's written report update detailing substitute plans and subsequent amended conditions and description and a consultation response from the Agricultural Appraisal Officer, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/207/08 – Change of use from dining room to hairdressing salon, 5 St Marys Close, Littlehampton Having received a report on the matter, together with the officer's written report update detailing an additional representation received and amended wording to Condition 2, the Planning Team Leader gave a further verbal amendment to the wording of Condition 2 to clarify that the use by the owner would be as a hairdressers only. As concerns were raised with regard to the possibility of further expansion of the business, it was suggested and agreed that any permission should have placed on it a condition restricting use of the hairdressing salon to the dining room only. The Committee then

RESOLVED

That the application be approved as detailed in the report and subject to amendment of Condition 2 and an additional condition as follows:-

Condition 2: The hairdressing salon hereby approved shall be operated as a hairdressers only by the owner of 5 St Marys Close, Littlehampton, in conjunction with the occupation of said property.

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Reason: To enable the Local Planning Authority to control the use of the premises in detail having regard to the amenities of nearby residential properties in order that the Local Planning Authority may regulate and control the use of the premises in accordance with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

Condition 3: The use hereby permitted shall take place only in the one room identified on the submitted plans.

Reason: For the avoidance of doubt and to protect the amenities of neighbouring residential properties in accordance with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

LU/233/08 – Conversion of three bed house to 2 x 1 bedroom flats, 28 Colebrook Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/246/08 – Residential development at rear of Oakridge – resubmission following LU/443/07 – Land rear of Oakridge, Toddington Lane, Toddington, Littlehampton Having received a report on the matter, together with the officer's written report update detailing additional letters of representation received, the Committee received advice from the Interim Head of Development Control regarding the protection of a Weeping Willow tree in the immediate neighbour's garden and he suggested that an Informative could be placed on any permission to this effect. Members also expressed serious concerns in respect of highway issues and the bulk of the proposed development. The Interim Head of Development Control advised Members that, in the absence of any objection from County Highways, any refusal using highway issues would be very difficult to defend at appeal.

Following on from the debate, views were expressed that any permission should make reference to the construction of a permeable surface to the front of the house; an informative to protect the neighbour's tree; and the restriction of Permitted Development Rights but, on being put to the vote, the Committee did not accept the officer recommendation to approve. Members felt that this application had not substantially addressed the issues raised on the previous proposal and that the same reasons for refusal could be used. The Committee therefore

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RESOLVED

That the application be refused for the following reason:-

“The proposal would constitute an unsatisfactory form of back land development which would represent a visually obtrusive development detrimental to the character and appearance of the area. The development would therefore be contrary to Policies LOC1, DEV1 of the West Sussex Structure Plan and GEN2 and GEN7 of the Arun District Local Plan.”

The Chairman then called a short adjournment to the meeting.

M/45/08 – Extension and detached garage, The Gardens, 95a Yapton Road, Middleton on Sea Having received a report on the matter, together with the officer's written report update detailing an additional representation received, a consultation response; and a point of clarification, the Planning Team Leader advised the Committee that the distance between the proposal and the nearest property, which was to the north, was 25 metres and this was considered to be more than adequate to prevent harm from overbearing and overlooking. However, Members felt that this proposal was now sited only 1 metre away from the boundary and would have a detrimental effect on the trees on the neighbouring site, which was not acceptable. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED - That

(1) the application be refused for the following reason:-

“The proposal, because of its siting, would have an adverse impact on trees to the north which are considered to have amenity value as a group. The proposal is therefore contrary to Policy DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.”

and

(2) a Tree Preservation Order be placed on the trees, including a group order.

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

P/5/08 – New commercial plant nursery together with new vehicular access and alterations to Lower Bognor Road alignment, Park Farm, Lower Bognor Road, Lagness Having received a report on the matter, the Committee was advised by the Strategic Development Planner that, having taken account of visual amenity, residential amenity, surface water drainage and highway issues, it was considered that this application was acceptable in planning terms. Members participated in a detailed debate which centred on their grave concerns with regard to highway issues, despite no objections being put forward by County Highways. It was accepted that this was an agricultural operation on agricultural land and, as such, could be supported but further negotiation was required with County Highways and the applicant to address the concerns that had been raised, namely necessary improvement to the junction at Lower Bognor Road and Pagham Road. The Committee

RESOLVED

That, although the Committee was minded to approve the application, it be deferred to enable satisfactory negotiation to be undertaken between the Local Planning Authority, County Highways and the applicant, on the Section 106 Agreement relating to improvements to the junction at Lower Bognor Road and Pagham Road.

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

P/107/08 – 1 No. new detached bungalow – resubmission of withdrawn application P/25/08, 2 Cardinals Drive, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing street scene submitted, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/190/08 – Extensions, 8 Bushby Avenue, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

SL/26/08 – Chemical disposal unit & water supply, Stoneyfield Farm, Shellbridge Road, Slindon Having received a report on the matter, the Committee had been advised that this application had been deferred from the Agenda.

(Prior to consideration of the following item, Councillor Evans had declared a personal interest. He spoke to the item and then left the meeting and took no part in the debate or vote.

Councillor Haymes had declared a personal interest and he remained in the meeting and took part in the debate and the vote.

Councillors Biss, Mrs Goad and Mrs Hall declared a personal interest as the applicant was known to them and they remained in the meeting and took part in the debate and the vote.)

Y/54/08 – Conversion and extensions to existing office and workshop to provide one dwelling (Resubmission following Y/18/08), Land adjoining Holly Tree Cottage, Hoe Lane, Yapton Having received a report on the matter, together with the officer's written report update detailing additional representations and consultation responses received, the Strategic Development Planner emphasised the importance of adhering to the constraints of Policy DEV2 of the Local Plan and which the applicant had failed to demonstrate, as detailed in the report.

In considering the matter, opposing views were expressed. One view was that the officer recommendation should be supported as there was concern about a precedent being set by disregarding the requirements of Policy DEV2. The proposal had not demonstrated an overriding and essential need for the dwelling in this rural location. However, some Members felt that this was a planning technicality and that the overwhelming support of local residents should be taken account of. Following discussion, the Committee did not accept the officer recommendation to refuse and, in approving the application, agreed that the Strategic Development Planner, in consultation with the Chairman, should draw up suitable conditions for inclusion in the Minutes. The Committee then

RESOLVED

That the application be approved as detailed below :-

“Condition 1: The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

Condition 2: No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extensions.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

Condition 3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

Informative: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995.

Summary: This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and would result in the removal of an industrial use in the

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countryside and there are no material considerations to indicate otherwise.

Relevant Policies:

Structure Plan: DEV1, CH1, DEV5, LOC2

Local Plan: GEN7, DEV2, GEN12

National Policies: PPS1, PPS3

This is only a summary of reasons for granting to comply with Article 22.

500. ENFORCEMENT MATTERS

CON/LU/30/07 – Alleged unauthorised caravans, Wastewater Treatment Works, Ferry Road, Littlehampton Having received a report on the matter, together with the officer's verbal correction that the relevant Section for instituting legal proceedings under the Town and Country Planning Act 1990 should read Section **179** and not Section 210 as detailed in the report, the Committee

RESOLVED

That authority be granted under Section 179 of the Town and Country Planning Act 1990 to institute legal proceedings for the non compliance with the Enforcement Notice.

501. DIVERSION OF FOOTPATH NO. 111 AT CHURCH FARM HOLIDAY COMPLEX, PAGHAM

Having received a report on the matter, the Committee

RESOLVED

That, in view of the absence of objections, the Order be confirmed without modification and that fact be notified and publicised.

(The meeting concluded at 6.56 p.m.)