

DEVELOPMENT CONTROL COMMITTEE

23rd July 2008 at 2.30 p.m.

Present : Councillors Mrs Hall (Chairman), Mrs Goad (Vice-Chairman), Ayling (substituting for Councillor Mrs Smee), Bower, Brooks, Butler, Gammon, Mrs Harrison, Haymes, Mrs Hazlehurst, Mrs Maconachie, McDougall, Oliver-Redgate, Mrs Olliver, 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 Butler, Minutes 278 to 282 and Minutes 287 (from Planning Application EG/34/08) to 289; and Councillor Mrs Stainton, Minutes 287 to 289

290. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Biss, Evans and Mrs Smee.

291. DECLARATIONS OF INTEREST

Councillor Bower gave notice of a personal interest in Agenda Item 7, Planning Application BE/23/08, as the Chairman of the Policy Site 6 Advisory Group.

Councillors McDougall, Mrs Olliver and Mrs Stainton gave notice of a personal interest in Agenda Item 7, Planning Application BE/23/08, as members of the Policy Site 6 Advisory Group, with Councillor McDougall stating that he was also a member of Bersted Parish Council.

Councillor Mrs Harrison declared a personal interest in Agenda Item 10, Planning Application R/299/07 as she knew the person involved and was also on the Parish Council.

Councillor Steward declared a personal interest in Agenda Item 10, Planning Application R/299/07 as he knew one of the households involved.

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292. MINUTES

The Minutes of the Special meeting held on 24th June and the meeting on 3rd July 2008 were approved as a correct record and signed by the Chairman.

293. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST COMMITTEE SITE INSPECTION PANEL – BR/116/08 – DEMOLITION OF EXISTING HOUSES (2 No.) & OUTBUILDINGS AND GARAGE, RESIDENTIAL DEVELOPMENT OF 10 HOUSES, NEW GARAGE BLOCK, 17 NO. PARKING SPACES AND NEW ACCESS DRIVE, 41-45 PEVENSEY ROAD, BOGNOR REGIS

The Committee received a report on a meeting of the Post Site Inspection Panel held on 8th July 2008, together with the officer's written report update detailing a consultation response from Parks and Greenspace. The Chairman of the Site Inspection Panel highlighted that the response from Parks and Greenspace had indicated that it would be desirable for particular trees on the site to be retained and that the application should be refused until a new design which incorporated the safe retention of trees T14, 16 and 17 was received. As the issue of the trees had been of serious concern to the Panel, its Chairman requested the Committee to therefore consider refusing the proposal on those grounds.

The Principal Planning Officer advised the Committee that the trees in question were not the subject of a Tree Preservation Order (TPO) and as such could be felled at any time without requiring approval. A refusal on the grounds of retention of the trees he anticipated would be extremely difficult to sustain at appeal. Should Members wish officers to take steps to put a TPO in place, it must be recognised that there would be a period of time before this could be done and the trees might be felled in the meantime.

In discussing the matter further, views were expressed that the proposal was in fact an overdevelopment and the size of the properties was totally unsuitable, which would lead to the amenity value of the area being detrimentally affected. In addition, it was pointed out that the provision of open space was inadequate. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED - That

(1) the application be refused for the following reasons

"1. The proposed erection of 10 dwellings on this site will represent an overdevelopment of the site that will be out of

character with the area and unneighbourly to immediate neighbours. There is also a shortfall in the provision of open space. The proposal is therefore contrary to Policies CH1, DEV1, LOC1 of the West Sussex Structure Plan and GEN7 and GEN20 of the Arun District Local Plan.

2. The loss of trees on the site will result in detriment to the visual amenities and character of the area contrary to Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan;

and

(2) officers take steps to place a Tree Preservation Order on all relevant trees on the site as a matter of urgency.

294. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST COMMITTEE SITE INSPECTION PANEL – FG/57/08 - LOFT CONVERSION AND REAR EXTENSION, 60 ELM PARK, FERRING

The Committee received a report on the meeting of the Post Site Inspection Panel held on 8th July 2008 and agreed with the Panel's view that the application should be approved and therefore

RESOLVED

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

295. REPORT FOLLOWING A REQUEST FOR FURTHER INFORMATION OR NEGOTIATION – BE/20/08 – ERECTION OF 7 NO. TERRACED DWELLINGS AND FORMATION OF ACCESS ROAD (RESUBMISSION FOLLOWING BE/136/07), LAND TO WEST OF BUCKSHAM AVENUE, BERSTED

The Committee was reminded that this application had been presented to the meeting on 11th June 2008 but had been deferred to enable officers to obtain comments from County Highways. Members were now presented with a further report detailing the views of West Sussex County Council and other interested parties and officers were of the view that the proposal would not materially adversely impact upon the amenities of neighbouring properties or the wider locality and was acceptable in terms of highway safety. A recommendation to approve was again put forward but now incorporated archaeology and highway conditions as a result of further consultation responses.

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The Committee received advice from the Principal Planning Officer with regard to the demolition of No. 17 Bucksham Avenue and its effect on No. 15, the other half of the semi-detached property. He reminded Members of the Inspector's comments at an appeal hearing relating to a similar proposal when it was stated that it was not considered unreasonable in planning terms to take away one half of a semi-detached property for development as any issues would be covered by building regulations and the Party Wall Act.

In considering the matter, Members expressed concerns with regard to a number of issues, namely

- the lack of detail for a footway
- the difficulties for emergency and service vehicles to access the site
- the demolition of half of a semi-detached property which would have a detrimental impact on the street scene
- the close proximity of the proposed 2½ storey dwellings to the residents of Bucksham Avenue, which would be out of character and not make a positive contribution to the amenity of the area

The Committee did not accept the officer recommendation to approve
and

RESOLVED

That the application be refused for the following reasons :-

“1. The site by virtue of its size and shape is considered unsuitable to accommodate 7 dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to Policies DEV1, LOC1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

2. The proposal would generate a volume of traffic and activity using the new access between existing residential properties which would be prejudicial to the environment and present character of the area and detrimental to the amenities and quiet enjoyment of existing properties in the locality in conflict with Policies DEV1, LOC1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.”

296. REPORT FOLLOWING A REQUEST FOR FURTHER INFORMATION OR NEGOTIATION – BE/21/08 – DEMOLITION OF EXISTING BUNGALOW & ERECTION OF 3 NO. 3 BED TERRACED HOUSES, 426 CHICHESTER ROAD, BOGNOR REGIS

The Committee was reminded that this application had been presented to the meeting on 11th June 2008 but had been deferred to enable officers to obtain comments from County Highways. Members were now presented with a further report detailing the views of West Sussex County Council, together with a verbal correction to the report that Bersted Parish Council had objected to the proposal on the grounds of unneighbourliness.

In considering the matter, Members were of the view that it was a cramped overdevelopment of the site and therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason:-

“The site by virtue of its size and shape is considered unsuitable to accommodate 3 dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to Policies DEV1, LOC1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

(Prior to consideration of the following application, Councillors Bower, McDougall, Mrs Olliver and Mrs Stainton had declared a personal interest as members of the Policy Site 6 Advisory Group.)

297. BE/23/08 – RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSSION BE/45/04 RELATING TO THE SOUTH EAST SECTION OF SITE 6 COMPRISING 181 DWELLINGS TOGETHER WITH ASSOCIATED LANDSCAPE, HIGHWAYS AND DRAINAGE WORKS, SITE 6, NORTH BERSTED, BOGNOR REGIS

As a detailed written officer report update on this application had been circulated at the meeting, the Chairman called a 5 minute adjournment to enable Members to read the information contained therein.

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In introducing his report, the Planning Advisor stated that comments from the County Highways Authority had only been received just before the meeting. It stated 'no objection', subject to fairly minor points of amendment. Discussion would be required with the applicant in order that amended plans could then be submitted. It would then be necessary to obtain the final agreement of the Highway Authority over the amended plans before paragraph 8.1a referred to in recommendation 1(i) of the report could be fully satisfied. The Planning Advisor also commented that the Highway Authority response had taken four months to arrive and the applicant had requested that the Committee note that it found this delay to be very frustrating.

The Planning Advisor referred to the review of the housing mix by the applicant as a response to the comments of the Housing Enabling Officer and which was detailed in the update sheet. The applicant was not proposing any changes but was willing to take the comments into consideration in the formation of subsequent housing phases. It was therefore recommended that the point at paragraph 8.1c of the report was satisfied

The applicant had also agreed that a variation of the s106 as detailed at recommendation 8.2 could be extended to cover the remaining phases 4-5 in order to save the need for another variation when that reserved matters application was received.

Members were referred to the update sheet which stated that the Environment Agency (EA) had confirmed that its objections no longer applied - paragraph 81b referred to in recommendation 1(i) had therefore been satisfied. A figure was required for the finished floor levels, which would be obtained from the EA and inserted into the draft planning condition dealing with floor levels.

The Planning Advisor requested that the Committee note that the update sheet had deleted some of the conditions detailed in the original report, partly due to the recent confirmation of the EA. There would have to be a further review of the draft conditions in light of the comments just received from the Highway Authority but this had been catered for by recommendation 1(iii).

During the course of a short discussion, a Member concern was raised with regard to any cycle and pedestrian routes being shared and the potential for accidents with cyclists colliding with pedestrians. It was felt that adequate signage was essential and that the routes must be wide enough to substantially reduce any risk. The Planning Advisor confirmed that a second stage Safety Audit would be carried out as part of the Highway Adoption and that these concerns of the Member would be brought to the attention of the Highway Authority to ensure it was specifically covered.

A Member request was made that the lighting on the site should be white as studies had shown that unnatural lighting contributed to aggressive behaviour, as well as being the most viable and efficient to run. Lighting should be sensitively designed to reduce crime. The Planning Advisor stated that, whilst he could not comment on the colour of lighting, regard would be given to the requirements of the Environmental Impact Assessment of the outline permission to achieve the lowest amount of pollution possible when discharging the lighting condition of that outline permission. In addition the Highway Authority, under its Highway adoption powers, was obliged to consider minimisation of light pollution from street lighting.

The current proposal was considered acceptable but subject to the following qualifications, as set out in the report and verbal advice given at the meeting:-

"8.1.a. Final comments of the Highway Authority and any arising minor amendments, conditions and informatives:

8.2 Once point a is satisfactorily concluded, permission may be granted for the reserved matters applications subject to the prior completion of a satisfactory Deed of Variation to the s.106 agreement of the outline permission to enable the cluster size of affordable housing to be varied.

8.3 The drainage matters pursuant to conditions 19, 23 & 38 can be approved subject to 8.1 a. above."

The Committee agreed to the amendment to the recommendation as set out in the written officer report update and then

RESOLVED – That

(1) the application for Reserved Matters be deferred and authority to grant approval be delegated to the Chief Executive, subject to:-

- (i) the satisfactory conclusion of point 8.1a and confirmation from the Environment Agency of the minimum finished floor level for this phase;
 - (ii) the prior completion of a satisfactory Deed of Variation to the s.106 agreement of the outline permission to enable the cluster size of affordable housing to be varied;
 - (iii) the attachment of suitable conditions and informatives, including any listed below as necessary;
- and

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(2) 'Matters Pursuant' to conditions 19, 23 & 38 of the outline permission BE/45/04 be discharged or partially discharged as appropriate under officer's delegated authority, for the proposed housing phase 2-3. Condition 38 shall relate to 30 dwellings only of the total 650 covered by the outline planning permission.

298. PLANNING APPEALS

The Committee received and noted a report which detailed appeals awaiting a decision and 5 appeals that had been heard.

299. PLANNING APPLICATIONS

AW/99/08 – Front, side and rear single storey extensions, Craig Lea, 1 Canons Close, Craigweil Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/66/08 – Application for non-compliance with condition 24 of planning consent A/116/06 relating to occupancy age restriction, 24 Water Lane, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/69/08 – Single storey extension between house and garage, partial conversion of garage to form kitchen, 22 Oakwood Drive, Angmering Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/78/08 – Proposal for the change of use of a museum to a retail use with first floor office and second floor residential accommodation, 61 High Street, Arundel Having received a report on the matter, together with the officer's written report update detailing an additional representation received and verbal advice on the wording of Condition 6, which had been omitted from the officer's report in error, the Committee

RESOLVED

That the application be approved as detailed in the report and subject to the addition of the following wording for Condition 6:-

"Before the use is first commenced, provision shall be made at the premises for the collection of customer waste and recyclable materials in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

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

AB/79/08/L – Application for Listed Building Consent for works to affect the change of use of a museum to a retail use with first floor office and second floor residential accommodation, 61 high Street, Arunde! 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.

BE/48/08 – The demolition of Richmond Lodge and the erection of 10 No. 2 bedroom & 4 No. 1 bedroom flats, Richmond Lodge, Shripney Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a substitute plan and resultant amended wording of Condition 16 to take account of this fact, the Committee

RESOLVED

That the application be approved as detailed in the report and subject to amendment of Condition 16 to make reference to the substitute plan received on 18th July 2008.

BE/51/08 – Proposed extension of existing terrace for one additional matching dwelling (resubmission following BE/163/07), Land adjacent to 37 The Croft, Bersted Having received a report on the matter, together with the officer's written report update detailing amended plans and an additional representation received and resultant amended condition relating to the amended plans, the Committee

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RESOLVED

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

BE/58/08 – Application under Regulation 4 of the Town & Country Planning General Regulations 1992 for change of use of redundant dining hall and kitchen into a learning & community use facility Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/182/08 – Change of use from B1 offices to D1Nursery. To provide care to children (max 33 at any one time), from birth to five years. From 7.30 am to 6.00 pm Monday to Saturday all year round. (Resubmission following BR/317/07), Regis Business Centre, Durban Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

The Chairman then called a short adjournment to the meeting.

CM/10/08 – Erection of 1 No. 4 bed dwelling, Land at the entrance to Waterford Gardens, Climping Having received a report on the matter, together with the officer's written report update detailing an amended condition relating to the substitution of fencing for a hedge and a correction to the report, the Committee

RESOLVED

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

EG/34/08 – Single storey rear & side extension, new detached garage, 9 Oriel Close, Barnham Having received a report on the matter, together with the officer's written report update detailing two additional letters of objection received, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/69/08 – Proposed pitched roof rear extension to enlarge kitchen and living room, forming utility room and cloaks. Roof modifications to form two bedrooms and ensuite shower room. Construct pitched roof to the front bay window and to the existing garage, 34 Elm Park, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/75/08 – Single storey rear extension (including re-building existing garage) & loft conversion with dormer windows to front & rear elevations, 60 Midhurst Drive, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/35/08 – Extension and alterations to provide 3 bedrooms, bathroom, ensuite and stairhall (resubmission following M/154/07), 26 Sea Way, Elmer Sands, Middleton on Sea Having received a report on the matter, together with the officer's verbal update regarding a late representation received, the Committee agreed that a Site Inspection should be undertaken to assess the impact of the proposal on the locality and

RESOLVED

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

M/43/08 – Two storey side extension in place of existing garage, 1 Sea Way, Middleton on Sea Having received a report on the matter, together with the officer's written report update detailing an additional letter of objection received, the Committee

RESOLVED

That the application be approved as detailed in the report and that, owing to the statutory advertisement period not expiring until 24th July 2008, the decision to be delegated to the Head of Planning, in consultation with the Chairman.

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P/35/08 – One bungalow – amendment to previously approved application P/51/07, 31 West Front Road, Pagham Having received a report on the matter, a query arose during the course of discussion with regard to the ownership of the site and, following advice from the Planning Solicitor, the Committee

RESOLVED

That the application be deferred to enable the Planning Solicitor to clarify the land ownership of part of the site.

R/122/08 – Single storey rear extension and first floor extension, 28 Cove Road, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/142/08 – Proposed change of roof design to approved planning permission R/68/07, 9 Wallace Road, Rustington Having received a report on the matter, together with the officer's written report update detailing a "No objection" response from the Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

R/299/07 – Demolition of 11,15,17,19 & 21 Manor Road and erection of 39 No. Extra Care Apartments and 1 No. apartment for manager, 11-21 Manor Road and 121 Worthing Road, Rustington Having received a report on the matter, together with the officer's written report update detailing the Parish Council's continued objection and a consultation response from District Housing, the Committee participated in a detailed debate regarding a number of issues. Concerns were raised that it was implicit in the wording of the proposal that these apartments would be ancillary to Fairlight Nursing Home, which would then have a detrimental impact on the locality should ownership of the site be split. In addition, due to the adverse impact construction traffic would have on this area of congested on street parking, it was agreed that the Section 106 Agreement should include a requirement for the developer to abide by the terms of the "Considerate Contractor" scheme.

Following discussion, the Committee

RESOLVED

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

"Condition : The sheltered extra-care housing hereby permitted shall remain within the same planning unit as Fairlight Nursing Home and the communal shared garden area as indicated on the approved plans shall remain available for unfettered use by the occupiers of both the occupiers of Fairlight Nursing Home and to any occupiers of the extra-care units hereby permitted at all times.

Reason: To ensure sufficient amenity space is available to serve the needs of the occupiers of the development hereby permitted in accordance with Policy GEN7 of the Arun District Local Plan."

And

The S106 Agreement to include a requirement for the developer to abide by the terms of the "Considerate Contractor" scheme and code of practice.

WA/30/08 – Demolition of existing garage, conservatory and northern extension. Single storey front and rear extensions. New pitched roof to replace existing to create space for additional bathrooms and bedrooms, Nettlecoombe, Wandleys Lane, Eastergate Having received a report on the matter, together with the officer's written report update detailing a corrected location plan, the Committee

RESOLVED

That the application be approved as detailed in the report.

300. ENFORCEMENT MATTERS

CIC/A/13/07 – Alleged unauthorised garden shed, 30 Foxdale Drive, Angmering Having received a report on the matter, the Committee

RESOLVED

Subject to approval at the next Committee meeting

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That no enforcement action be taken in respect of this breach of planning control as it is not expedient to take such action in the absence of harm to the amenity in the locality of the site. The development does not have the benefit of planning permission and this fact will be revealed when a Local Land Charges Search is undertaken.

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

Having received a report on the matter, the Committee

RESOLVED – That

(1) subject to (2) below, an order be made and advertised for diversion of the footpath in the terms of the draft Order attached; and

(2) the Order not be confirmed unless and until West Sussex County Council agrees the making of the Order.

(The meeting concluded at 7.08 p.m.)