

Subject to approval at the next Committee meeting

451

DEVELOPMENT CONTROL COMMITTEE

26th November 2008 at 2.30 p.m.

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

[Note: The following Councillors were absent from the meeting during consideration of the matters in the Minutes indicated:- Councillor Brooks, Minutes 628 (part – from Application WA/48/08) to 630; and Councillor Butler, Minutes 624 to 628 (part – up to Application FP/187/08).

Note: Councillor Mrs Briggs was also in attendance for part of the meeting.

624. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Hall, Gammon, Mrs Smee and Mrs Stainton.

625. DECLARATIONS OF INTEREST

Councillor Biss gave notice of a prejudicial interest in Agenda Item 11, Telecommunications Operators Annual Roll Out Plans, for the avoidance of bias.

Councillor Bower gave notice of a prejudicial interest in Agenda Item 10, Enforcement Item CIC/FG/31/07, as the developer was a business client of his.

626. MINUTES

The Minutes of the meeting held on 5<sup>th</sup> November 2008 were approved as a correct record and signed by the Chairman.

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627. PLANNING APPEALS

The Committee received and noted a report detailing appeals that had been lodged and 3 appeals that had been heard.

628. PLANNING APPLICATIONS

AL/83/08 – Proposed Eco House – Resubmission following AL/19/08 (This application is a departure from the Development Plan), Former Council Depot, Blackmill Lane, Aldingbourne Having received a report on the matter, the Committee had been advised that this application had been deferred from the Agenda.

AW/203/08 – Two storey extension to side and rear (revision to AW/216/06), 5 Margaret Close, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report

AW/219/08 – Two storey extension to replace existing carport and garage, front entrance porch and alterations to existing, together with new front garden wall and gates, 5 Meadow Way, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/223/08 – Single storey garage extension, Little Drewston, Canons Close, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BE/86/08 – Erection of 1 No. new detached bungalow, 47 Van Gogh Place, Bersted Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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BR/276/08 – Erection of 1 No. 3 bedroom house on the land adjacent to 4 Tennyson Road (resubmission of BR/48/08), 4 Tennyson Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/295/08 – Erection of 1 No. 2 bedroom terraced house adjacent to 116 Collyer Avenue, 116 Collyer Avenue, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/302/08 – Installation of two off slipway winches, Bognor Regis Seafront Promenade (East of Pier), Bognor Regis Having received a report on the matter, together with the officer's written report update detailing consultation responses received, a request was made that, in relation to the tractor that was presently used to haul the fishermen's boats up from the beach, as this would no longer be required could it be conditioned to have it removed from the area. Advice was given that this could not be put on the application as a condition but rather an informative to advise the applicants the tractor was no longer necessary.

As there had been no response to the Engineers request for further information, it was also agreed that a further informative would be added to any approval advising the applicant to contact the Council's Engineer to provide the relevant information. The Committee then

RESOLVED

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

“Informative: The applicant is advised to contact the Council's Engineer (Roger Spencer on 01903 737812) to confirm (as intimated for the drawings) that there is to be no physical restraint linked to the seawall. Casting the concrete against the wall would be acceptable. Further information is also sought on how long the 175 x 127 RSJ sections are and how they would be installed; the dimensions of the 'boltings' and how they would be installed; and how the 3-phase electricity

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supply would be obtained, i.e. where does the supply come from and what disturbance there might be to the promenade.

Informative: Given this permission, there is no necessity for the applicant's tractor that has been used for hauling boats up and down the foreshore and use in other activities and advise that it should be removed from the promenade/pier area."

CM/25/08 – Application to vary planning permission CM/22/06 – Change of use from agricultural engineers/service centre to recycling yard for scrap tyres and waste cardboard (This application is a county matter and will be determined by West Sussex County Council), Northwood Farm, Burndell Road, Yapton Having received a report on the matter, the Committee had been advised that this application had been withdrawn from the Agenda.

EG/52/08 – Single detached chalet bungalow, Part garden to south of Crantock, Fontwell Avenue, Eastergate Having received a report on the matter, a concern was raised in respect of the permeability of any hardstanding to the front of the proposal due to the issue of water run off. In discussing this point, the Interim Head of Development Control looked to Members for a steer as to whether a standard condition should be compiled by officers to be placed on all future developments and in that event, could the wording be delegated to officers. Following consideration, the Committee

RESOLVED – That

(1) a standard condition to be added to all relevant applications regarding the permeability of hardstanding surfaces to the front of properties, the wording of which to be delegated to officers; and

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

"The hard surface shall be made of porous materials or provision shall be made to direct run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: In order to prevent flooding through surface run-off and pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan, GEN7 and GEN9 of the Arun District Local Plan, the requirements of PPS25 Development and Flood Risk and Department for

Communities and Local Government 'Guidance on the Permeable Surfacing of Front Gardens'.

EG/54/08 – Use of land as a private gypsy caravan site for single family occupation, Little Nova Paddocks, Eastergate Lane, Eastergate  
Having received a report on the matter, together with the officer's detailed written report update setting out the site plan and a relevant appeal decision, the Chairman called a short adjournment to the meeting to enable Members to appraise themselves fully of the content of the update.

The Committee participated in a full debate which covered a number of issues, e.g. the appeal in Guildford; the West Sussex Gypsy and Traveller Accommodation Assessment (GTAA); measures to control the tidiness of the site; and the definition of single family occupation. A query was raised that the applicant was not included in the West Sussex GTAA and that there was therefore no requirement for this District to provide a pitch for him. Officers could not confirm this and the Committee

RESOLVED

That the application be deferred to assess the need for Gypsy and Traveller accommodation on the site with reference to the Gypsy and Traveller Accommodation Assessment.

FP/187/08 – The demolition of the existing two storey house, extension and garage and the erection of a two storey apartment building with accommodation in the roof space comprising 7 x two bedroom and 2 x one bedroom apartments with new access and 9 single garages to the rear, 4 Admiralty Gardens, Bognor Regis  
Having received a report on the matter, together with the officer's written report update detailing a consultation response, substitute plans and an additional letter of representation and a verbal update detailing representations from Ward Members, a Member comment was made that a condition should be placed on any approval with regard to the permeability of the car parking area. In addition, it was noted that there were some mature trees on the site but the Wildlife Act informative had been omitted from the recommendation sheet. Following consideration, the Committee

RESOLVED

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

“Condition: The hard surface shall be made of porous materials or provision shall be made to direct run-off from the

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hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: In order to prevent flooding through surface run-off and pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan, GEN7 and GEN9 of the Arun District Local Plan, the requirements of PPS25 Development and Flood Risk and Department for Communities and Local Government 'Guidance on the Permeable Surfacing of Front Gardens'.

Informative: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees, etc during this period could lead to an offence under this Act."

LU/273/08 – New reception building – resubmission amendment to previously approved application LU/146/08, White Rose Touring & Leisure Park, Mill Lane, 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 item, Councillor Butler declared a personal interest as he knew 2 residents in the road; he remained in the meeting and took part in the debate and vote.*

*Councillor Brown also declared a personal interest as he owned a property in the road; he remained in the meeting and took part in the debate and vote.)*

LU/284/08 – Change of use of single dwelling into house in multiple occupation, 23 Bayford Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing an additional representation received, a view was expressed that this proposal was an over intensive use of the property and that the car parking situation in the locality would only worsen. The Committee therefore did not accept the officer recommendation to approve and

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RESOLVED

That the application be refused for the following reason:-

The proposal represents an over intensive use of the property, with an absence of car parking and amenity space. It would thereby be out of keeping with the character of development within the area, contrary to Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

PO/5/08 – Single storey rear addition – Amendment to planning application PO/4/05, 2 Pottery Cottages, Crossbush Lane, Poling Having received a report on the matter, together with the officer's written report update detailing additional information received, a request was made that a site visit should be undertaken to assess 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.

R/222/08 – Raised parking area/ramp with hand rail for mobility buggy, Parking Area Rear of 51 Ruston Avenue, Rustington Having received a report on the matter, together with the officer's written report update detailing additional representations received, the Planning Team Leader further advised the Committee that the raised parking area/ramp did not in fact require planning permission and Members should just consider the hand rail part of the application.

In the course of the debate, a number of issues were raised which the Committee was advised should not be considered as they were private matters to be resolved between neighbours.

On being put to the vote, the recommendation to approve was not supported by the Committee and a request was made by officers for Members to make clear any reasons for refusal if they were so minded to refuse the application. Legal advice was given that, apart from refusal, an alternative course of action would be for the Committee to defer the application and ask officers to identify if there were any adequate reasons for refusal and/or detail the implications of refusal without providing sufficient grounds. A further report could then be submitted to the next meeting.

Further debate took place without Members being able to come up with sustainable reasons for refusal and it was moved that a re-vote should take

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place. The Chairman then requested Members to indicate by a show of hands their agreement to reconsider the officer recommendation to approve and this was declared CARRIED. Following further advice, the Committee then

RESOLVED

That the application be approved as detailed in the report.

(Please note that, following legal advice taken after the meeting, this decision was determined to be invalid and therefore the application will be considered again at the next meeting.)

WA/48/08 – Erection of poly tunnels between existing glasshouses and on adjacent land, Old Lake Lane Nursery, Lake Lane, Barnham Having received a report on the matter, a concern was raised with regard to artificial lighting and the Committee

RESOLVED

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

“No external floodlighting shall take place without the prior permission of the Local Planning Authority in an application on that behalf.

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

#### 629. ENFORCEMENT MATTERS

*(Prior to consideration of the following item, Councillor Bower had declared a prejudicial interest and he left the meeting and took no part in the debate or vote.)*

CIC/FG/31/07 – Alleged unauthorised non-compliance with plans (FG/72/06), 44 Brook Lane, Ferring Having received a report on the matter, the Committee

RESOLVED

That no enforcement action be taken in respect of this breach of planning control as it is not expedient to do so in the absence of harm to the amenity in the locality of the site.

*(Prior to consideration of the following application, Councillor Biss had declared a prejudicial interest and he left the meeting and took no part in the debate or vote.)*

630. TELECOMMUNICATIONS OPERATORS ANNUAL ROLL OUT PLANS

The Committee received a report from the Interim Head of Development Control, together with the officer's written report update enlarging the tables that had been included in the Agenda, which advised Members of the Annual Roll Out Plans received from telecommunications operators regarding mobile networks.

Following consideration, it was proposed that a response would be sent to operators relating to their Roll Out Plans on a "Without prejudice" basis stating that, in principle, the Local Planning Authority had no objections to the installation of new equipment on existing installations or upgraded at existing sites since this would be preferable to new installations on alternative sites. The pre-registration procedure should also be followed and this should include an assessment of alternative sites and why these were discounted and justification for the design of the equipment considered.

The Committee noted the report.

(The meeting concluded at 6.10 p.m.)