

Subject to approval at the next Committee meeting

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DEVELOPMENT CONTROL COMMITTEE

28th November 2007 at 2.30 p.m.

Present : Councillors Mrs Goad (Chairman), Mrs Hall (Vice-Chairman), Biss, Bower, Butler, Evans, 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 Bower, Minutes 518 to 526 (up to Application AB/153/07); Councillor Butler, Minutes 518 to 526 (up to Application BR/317/07 (part) and Minutes 529 (part) and 530; Councillor McDougall, Minutes 529 (part) and 530; Councillor Olliver-Redgate, Minutes 518 to 526 (up to Application BN/33/07); and Councillor Mrs Stainton Minutes 526 (from Application P/113/07).]

Councillor Barnett was in attendance for part of the meeting.

518. DECLARATIONS OF INTEREST

Councillors Biss and McDougall gave notice of a personal/prejudicial interest in Agenda Item 10, Planning Application R/278/07/T, as the applicant was a member of their political group and a friend.

Councillor Mrs Goad gave notice of a prejudicial interest in Agenda Item 10, Planning Application EG/48/07 as she felt that it would be unwise to speak to the item.

Councillor Mrs Hall gave notice of a personal interest in Agenda Item 10, Planning Applications P/96/07 and P/99/07/L, as a member of Pagham Parish Council. She reserved her right to speak to the items.

519. MINUTES

The Minutes of the meeting held on 8th November 2007 were approved by the Committee as a correct record and signed by the Chairman.

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520. CIC/FN/07 – STABLEGATE DEVELOPMENT, ELM RISE, FINDON – ALLEGED UNAUTHORISED GROUND LEVELS AND CAR PORT
(Exempt – Paragraph 5 – Legal Issues)

The Chairman agreed that the above could be dealt with as a matter of urgency under Exempt Business at the end of the Agenda as instruction was required from the Committee.

521. PLANNING APPEAL AND INJUNCTION, PADDOCKS, NORTHFIELD LANE, ALDINGBOURNE (Exempt – Paragraph 5 – Legal Issues)

The Chairman agreed that the above could be dealt with as a matter of urgency under Exempt Business at the end of the Agenda as instruction was required from the Committee.

522. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST COMMITTEE SITE INSPECTION PANEL – EP/118/07 – ONE THREE BED HOUSE WITH DETACHED GARAGE IN THE GROUNDS OF 4 NORRIS COTTAGES, NORTH LANE, EAST PRESTON

The Committee received a report on a meeting of the Post Site Inspection Panel held on 13th November 2007 and the Chairman of the Panel reiterated the disappointment that had been felt at the non-attendance of County Highways to discuss concerns regarding the access to the site. It was suggested that the East Preston Parish Council should lobby the County Council to have double yellow lines painted where appropriate to prevent the parking which would make exiting the site difficult and dangerous because of the nearby bend in the road. It was also agreed that a letter on behalf of the Committee on the same lines would be sent to County Highways. Following consideration, Members accepted the Panel's recommendation to approve and

RESOLVED

That the application be approved as detailed at Appendix 1 to the report.

523. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST COMMITTEE SITE INSPECTION PANEL – EP/134/07 – ROOF CONVERSION WITH REAR DORMER AND SIDE GABLE, CROSSWAYS COTTAGE, 1 GOLDEN AVENUE, EAST PRESTON

The Committee received a report on a meeting of the Post Site Inspection panel held on 13th November 2007, together with the officer's

written report update detailing the recommendations sheet which had been omitted from the Agenda in error. The Panel was of the view that, should the proposal be approved, there should be an additional condition requiring the windows facing onto the nearby property to be obscure glazed. Following consideration, the Committee

RESOLVED

That the application be approved as detailed at Appendix 1 to the report and subject to an additional condition as follows :-

“The hallway window on the side elevation and the en suite window on the rear elevation at second floor level of the extensions hereby permitted shall at all times be glazed with obscured glass.

Reason : To protect the amenities and privacy of the adjoining property in accordance with Policies DEV1 of the West Sussex Structure Plan and GEN7 and DEV19 of the Arun District Local Plan.

524. PLANNING APPEALS

The Committee received and noted a report which detailed 3 new appeals that had been lodged and 4 appeals that had been heard.

525. TREE APPLICATIONS

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

R/278/07/T – Raise the crown of 2 Holm Oak trees to no more than 4m and reduce the spread of the crown by approximately 20%, 44 The Laurels, Rustington Having received a report on the matter, together with the officer's written report update detailing a correction to the description of the application and an objection from Rustington Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

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526. PLANNING APPLICATIONS

AW/268/07 – Change of use from retail (A1) to offices (B1(a) – Resubmission following AW/178/07, New vehicular access, 33 Rose Green Road, Rose Green, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an amended description, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/273/07 – Two storey extension, single storey extension and conservatory, Little Oaks, Cannons Close, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/153/07 – Removal of non-load bearing wall to re-open existing doorway and change of use of retail area to ancillary staff offices for existing estate agency, Longmace House, Mill Lane, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BN33/07 – Sub divide flat No. 10 to form 2 No. one bed flats with an additional parking space, 10 Abbie Court, Lake Lane, Barnham Having received a report on the matter, together with the officer's written report update detailing an additional response from Barnham Parish Council and, following Members queries, verbal advice on the planning history of the site and confirmation that the development was for 11 flats in total, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/282/07 – Change of use from 4-bed house to 1 x one bed flat and 1 x two bed flat; no external changes to elevations, Sunrise, Town Cross Avenue, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional representations received, it was agreed that the standard refuse condition should be added to any approval to allay concerns about rubbish that might be left lying around. The Committee therefore

RESOLVED

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

“Before the flats hereby permitted are occupied, a dustbin enclosure shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason : To safeguard the appearance of the property and the amenities of the area in accordance with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.”

BR/284/07 – Demolition of small single storey general industrial unit with parking court; construction of 6 No. 2 bed and 3 person flats in a block of 2½ storeys with associated external works including cycle stores, 60-62 Spencer Street, 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.

BR/290/07- New garage door and opening, Questover, Norfolk Street, Bognor Regis Having received a report on the matter, together with verbal advice that this was a staff application, the Committee

RESOLVED

That the application be approved as detailed in the report.

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BR/317/07 – Change of use from B1 offices to D1 day nursery. Care of children (max 33 at any one time) aged from birth to 5 years from 7.30 a.m. to 6.00 p.m. Monday to Saturday, Regis Business Centre, Durban Road, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing revised plans received and an additional response from County Highways, Members expressed views both for and against the application. It was acknowledged that there was a requirement for this facility but serious concerns were raised regarding the location on an industrial site and traffic safety issues. Following a suggestion that a temporary permission might be granted to enable the situation to be closely monitored, it was accepted that this would not be practical or fair to the applicant. Following detailed consideration, the Committee

RESOLVED

That the application be refused as detailed in the report.

BR/323/07 – Decking area for tables and chairs (9m x 5.4m) adjacent to kiosk, A1 Kiosk, Bognor Regis Sea Front, Junction of Gloucester Road and Esplanade 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 application, Councillor Mrs Goad had declared a prejudicial interest and left the meeting and took no part in the debate or the vote. In her absence as Chairman, the Vice-Chairman took the Chair for this item.)

EG/48/07 – Residential development of 14 detached link detached and semi detached 2 storey houses, open space, new site access, garages, parking, landscaping and ancillary works, Land r/o `38-146 Barnham Road, Barnham, Bognor Regis Having received a report on the matter, together with the officer's written report update regarding the Unilateral Undertaking status and verbal advice that a further condition should be added to any approval in respect of proper translocation measures to be put in place to protect wildlife, a query was raised with regard to the commuted sum of £14,000 being used for off site provision at the existing play area at Farnhurst Road. It was felt that this play area was already well equipped and any contribution could be put to better use elsewhere. The Planning Team Leader stated that the commuted sum must be related to the development to be permitted but that he would contact the Parks and Landscape team to discuss the matter further. Following consideration, the Committee

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RESOLVED

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

Prior to the commencement of development a Wildlife Appraisal of the site with reference to protected species on site shall be submitted to and approved in writing by the Local Planning Authority. The Appraisal shall include measures to be taken to translocate, where necessary, any species identified and mitigation measures to protect species remaining on site. The Appraisal shall be fully complied with prior to commencement of development.

Reason : To protect protected species and habitat in accordance with Policies CH1, ERA2 of the West Sussex Structure Plan and GEN29 of the Arun District Local Plan.”

LU/309/07 – Erection of 3 stores/bin stores. East Beach Car Park, Sea Road, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/327/07 – Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the erection of timber acoustic barrier between 2.3m and 3.5m in height, Land to the rear of Unit 1 Lineside Way and rear (west) of 11-19 Egan Way, 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 above, Councillor Butler declared a personal interest as a trader in Littlehampton, although his business in no way conflicted with that of Tesco Stores.)

LU/344/06 – Extension to existing A1 retail store and customer car park, Tesco Store and adjacent land, Broadpiece, Littlehampton Having received a report on the matter, together with the officer’s verbal advice that a letter had today been received from a District Councillor objecting to the proposal, the Committee participated in a detailed debate which covered a number of issues such as the impact of the proposal on the town centre;

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parking; the Section 106 agreement; and highway improvements. However, Members were concerned that insufficient information had been provided with the application in relation to the proposed highways improvements and that this matter should not be determined until they had an opportunity to inspect the plans as there was real concern that any alterations to the roundabout must improve the situation because this was an extremely important route into and around the town. A request was also made that County Highways be invited to attend the meeting at which this would be considered. An indication was given that the application itself was acceptable, subject to the highway improvements being satisfactory. The Committee then

RESOLVED

That the application be deferred to enable officers to obtain details in plan form of the proposed changes to the access to the main roundabout.

M/112/07 – Annexe 11m x 3.1m – variation to M/11/07 (distance from boundary at north west corner of annexe reduced to 500mm), 7 St Nicholas Lane, Middleton on Sea Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/119/07 – Demolition of redundant stores and erection of residential development comprising two flats in one block and associated parking, Land to rear of Jubilee Parade, Elmer Road, Middleton on Sea Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

The Chairman called a 15 minute adjournment to the meeting.

P/96/07 – Proposed extensions and alterations to main holiday park complex forming: new entrance features, glazed walkway and alterations to shop, Church Farm Holiday Park, Pagham Road, Pagham Having received a report on the matter, together with the officer's written report update detailing an amended recommendation sheet, additional representations and late considerations and verbal advice that a letter had today been received from the applicant's Planning Consultant regarding an adjacent public footpath, Members participated in a full debate.

As a view was expressed that landscaping would help to soften the effect of the proposal, it was agreed that the appropriate landscaping conditions would be added to any approval. Discussion also took place with regard to the trees at the entrance to the site and the Planning Team Leader stated that, subject to the comments of the Council's Arboriculturist relating to the health of the trees, a Tree Preservation Order would be placed on them as it was felt they were of significant amenity value.

The Committee welcomed the applicants' statement that they would be taking steps to improve the condition of the listed building on the site.

A request was made as to whether Members could have some input into the materials to be used and it was agreed that these would be approved in consultation with the Chairman and Vice-Chairman.

It was further agreed that Condition 5 as set out in the written officer report update should be changed to an Informative.

The Committee then

RESOLVED

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

(1) the schedule of materials and finishes to approved in consultation with the Chairman and Vice-Chairman;

(2) Condition 5 relating to the existing public right(s) of way across the site to be an Informative rather than a Condition; and

(3) the following additional Conditions be attached to the approval:-

"No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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Reason: In the interests of amenity and of the environment of the development in attendance with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

P/99/07/L – Application for Listed Building consent for proposed extension and alterations to main holiday park complex forming new entrance features, glazed walkway and alterations to shop within the curtilage of a listed building, Church Farm Holiday Park, Pagham Road, Pagham 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.

P/113/07 – Siting of mobile home for settled gypsy accommodation, Merrymead, Pagham Road, Pagham Having received a report on the matter, the Committee

RESOLVED

The application be approved as detailed in the report, subject to amendment of Condition 2 to read :-

“The residential mobile home hereby permitted to be stationed on the site shall not be occupied otherwise than as by Mrs and Mrs William **Gaskin as** one single unit of accommodation”

Y/73/07 – 2 No. cottages and garages (Resubmission following Y/67/06), Land at rear of Victoria House, Main Road, Yapton Having received a report on the matter, together with the officer's written report update detailing a correction to the report and an additional comment, the Committee

RESOLVED

That the application be approved as detailed in the report.

527. ENFORCEMENT MATTERS

CIC/BR/33/07 – Alleged unauthorised smoking shelter, 49-51 London Road, The Railway Public House, Bognor Regis 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 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 on CON/29/R when a Local Land Charges Search is undertaken.

CIC/CM/1/07 – Alleged unauthorised wall, Sadlers Cottage, Brookpit Lane, Climping 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 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 on CON/29/R when a Local Land Charges Search is undertaken.

CIC/R/6/04 – Alleged unauthorised shed, 7 Orchard Gardens, Rustington 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 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

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permission and this fact will be revealed when a Local Land Charges Search is undertaken.

(Prior to consideration of the following item, Councillor Biss declared a prejudicial interest for the avoidance of bias and left the meeting and took no part in the debate.)

528. TELECOMMUNICATIONS OPERATORS ROLL OUT PLANS

The Committee received and noted a report from the Head of Planning Services which advised on the Annual Roll Out Plans received from telecommunications operators regarding mobile networks. The Plans provided an opportunity for local authorities to “look ahead” at the forthcoming mobile development in its area and provided an opportunity to discuss the proposals with the operators way ahead of the formal planning application.

The Committee’s comments with regard to the proposals at Aldwick and Westergate would be included in any response made.

529. CIC/FN/07 – ALLEGED UNAUTHORISED GROUND LEVELS AND CAR PORT, STABLEGATE DEVELOPMENT, ELM RISE, FINDON
(Exempt – Paragraph 5 – Legal Issues)

The Head of Planning and Housing Strategy presented a report which set out the detail of a case whereby development had taken place in Findon which had had a seriously detrimental impact on neighbouring properties and on one in particular. It was accepted that the Council had played a part in permitting development to take place at a higher level than would normally be acceptable but that the Planning Inspectorate also had some responsibility in the matter.

Following detailed discussion, the Committee

RESOLVED – That

(1) negotiations continue with the developers regarding
(i) landscaping along the boundary of No. 10 Beech Road;
(ii) finished ground level height of the open space area; and
(iii) the erection of a low height barrier at the end of the car port to prevent an accident:

(2) as the levels condition was discharged by letter and that the height of the bungalow adjacent to the car port is shown at the correct height in accordance with the submitted drawings,

the Council cannot take enforcement action over the height of the carport;

(3) a letter be sent to the Ombudsman asking for advice; and

(4) a letter be sent to the Planning Inspectorate advising that the outcome of the allowed appeal had been extremely detrimental to the amenities of adjoining residents.

530. PLANNING APPEAL AND INJUNCTION, PADDOCKS, NORTHFIELD LANE, ALDINGBOURNE (Exempt – Paragraph 5 – Legal Issues)

The Committee received a report from the Head of Planning and Housing Strategy which set out the current position with regard to two caravans at the Paddocks, Northfield Lane, Aldingbourne, which had been refused planning permission, both on a temporary and permanent basis.

Following consideration of the report and legal advice given at the meeting, the Committee

RESOLVED – That

(1) the applicant be invited to submit an application for the two caravans, previously subject to enforcement notices, for a three year temporary period to enable the Council to find alternative more suitable sites; and

(2) a third unit erected in direct contravention of a Stop Notice and subject to a Court Injunction, to take its course through a planning application to be submitted for consideration by the Committee.

(The meeting concluded at 7.23 p.m.)