

DEVELOPMENT CONTROL COMMITTEE

26th September 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 : Councillor Butler was absent from the meeting during consideration of the matters referred to in Minutes 350 to 353 (up to Planning Application R/149/07).]

Councillor Chapman was also present for part of the meeting.

350. DECLARATIONS OF INTEREST

Councillor Bower gave notice of a personal interest in Agenda Item 8, Planning Application EP/65/07 as the proposal was located on the edge of the estate where he lived. He reserved his right to speak to the application. He also gave notice of a personal interest in Planning Applications BE/99/07 and BE/100/07 as the Chairman of the Policy Site 6 Advisory Group and reserved his right to speak.

Councillor McDougall declared a personal interest in Agenda Item 8, Planning Applications BE/99/07 and BE/100/07 as a member of Bersted Parish Council and the Policy Site 6 Advisory Group. He stated that he would participate in the debate.

Councillors Mrs Olliver and Mrs Stainton gave notice of a personal interest in Agenda Item 8, Planning Applications BE/99/07 and BE/100/07 as members of the Policy Site 6 Advisory Group.

Councillor Steward gave notice of a personal/prejudicial interest in Agenda Item 8, Planning Application R/149/07 as the applicant was well known to him. He stated that he would leave the meeting and would not speak to the application.

351. MINUTES

The Minutes of the meeting held on 5th September 2007 were approved by the Committee as a correct record and signed by the Chairman.

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352. PLANNING APPEALS

The Committee received and noted a report which detailed 5 new appeals that had been lodged and 2 appeals that had been heard.

353. PLANNING APPLICATIONS

SL/24/07 – Use of site for siting of 3 No. additional gypsy mobile homes (4 No. in total), resubmission following SL/24/06, Old Timbers, Shellbridge Road, Slindon Having received a report on the matter, together with the officer's written report update detailing an additional representation received and a correction to Condition 2, the Committee

RESOLVED

That the application be refused as detailed in the report.

SL/25/07 – Erection of detached dwelling in replacement of existing mobile home, Old Timbers, Shellbridge Road, Slindon Having received a report on the matter, together with a representation from the Ward Councillor which was read out at the meeting and the officer's written report update detailing a statement from the Agent, the Committee

RESOLVED

That the application be refused as detailed in the report.

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

R/149/07 – Outline application for demolition of Nos 52-58 Woodlands Avenue and erection of 19 No. 2 bedroom and 4 No. 1 bedroom apartments, 52-58 Woodlands Avenue, Rustington Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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R/190/07 – Two storey extension to existing care home facility, Ashdown Lodge Care Home, 2 Wendy Ridge, Rustington 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 refused as detailed in the report.

LU/241/07 – Demolition of existing caravan and replacement with new building together with relocation of existing caravan, Littlehampton Marina, Ferry Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing an additional representation received; substitute plan/description update removing reference to the caravan from the application; and informative update, the Committee

RESOLVED

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

LU/321/07 – Ground floor extension, 83 Fastnet Way, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/78/07 – Subdivision of existing retail premises, remodelling and extension to provide 5 No. one and two bedroom flats, 52-56 Ferring Street, Ferring Having received a report on the matter, together with the officer's written report update detailing receipt of amended plans and consequential amended condition sheet, the Committee

RESOLVED

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

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FG/98/07 – Demolition of existing house and construction of 2 No. semi-detached flint cottages, 1 No. thatched cottage, 4 No. flats and new access road and parking, 14 Ferring Street, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/165/07 – 2 storey rear extension comprising 2 No. 1 bedroom flats, enhancements to front elevation and relocation of parking area to front together with associated improvements, 97 Felpham Road, Felpham Having received a report on the matter, a question was asked relating to the requirement of the County Council for conditions as these did not appear on the recommendation sheet. The officer response was that a condition relating to access had been omitted from the report in error and would be included should the application be granted. Furthermore, an informative was also required giving a summary for the reasons for grant. Following consideration, the Committee

RESOLVED

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

“Condition 5: The improvements to the access shall be completed before the extension hereby approved is commenced.

Reason: In the interests of highway safety in accordance with Policy NE17 of the West Sussex Structure Plan.

Informative: Summary of Reason 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 there are no material considerations to indicate otherwise.

Relevant Policies

Structure Plan: DEV1, CH4

Local Plan: GEN7, AREA2

National Policies: PPS1, PPS3, PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the officer report.”

(Prior to consideration of the following application, Councillor Bower had declared a personal interest and reserved his right to speak.)

EP/65/07 – Approval of reserved matters following outline permission EP/2/05 for 1 No. detached house and 1 No. pair of linked detached houses (3 dwellings), 37-39 Manor Road, East Preston 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/96/07 – Demolition of existing buildings and residential development to provide 14 No. houses and apartments with associated parking, Church Field, Station Road, East Preston Having received a report on the matter, together with the officer’s written report update detailing consultation responses and representation received and amended conditions relating to the additional requirements from consultees, the Committee

RESOLVED

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

EP/119/07 – 4 No. two bed flats (resubmission following EP/64/07), 5 Sea Lane Close, East Preston Having received a report on the matter, together with the officer’s verbal advice regarding two additional representations received, views were expressed that this proposal was still an overdevelopment of the site and should be refused on the same grounds as used for the previous application. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason :-

By reason of its design and the provision of four flats, it is considered that the proposal would be out of character with the established residential area which would therefore be contrary to Policies DEV1, LOC1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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BR/189/07 – Application for continuance of use without compliance with Conditions 1& 2 imposed on planning permission BR/271/99 (hours of opening), 5 Richmond Road, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

BR/217/07 – Residential development – one detached with a garage, six semi-detached and six flats, 55-57 Victoria Drive, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/231/07 – Construct vehicular crossover and hardstanding to front of property, 87 Ash Grove, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report

BE/93/07 – Ground and first floor extension (resubmission following BE/33/07), 3 Babsham Cottages, Babsham Lane, Bognor Regis 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, Councillors Bower, McDougall, Mrs Olliver and Mrs Stainton had declared a personal interest as members of the Policy Site 6 Advisory Group and reserved their right to speak.)

BE/99/07 – Variation of conditions 42, 46, 47 & 52 imposed under planning reference BE/45/04 relating to contamination, external materials, existing and finished levels and roads, footpaths, parking and draining for each building. (This application adjoins the parishes of Middleton on Sea, Felpham and Yapton) Site 6, North Bersted, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing the applicant's request to amend Condition 52, add a Condition 60 and an

amended recommendation to defer the application, the Planning Case Officer also gave a further verbal update. The Committee was advised that, following legal advice, it was not deemed necessary to defer the proposal for further comments and that it could be determined at the meeting.

It was stressed that the updated wording for Condition 52 would retain the requirement for the Authority's approval to be obtained for the detailed design of the relief road and principal estate roads prior to development, including the bus route through the site and access to the community building; the smaller roads would come forward for consideration on each subsequent phase of the development. In addition, the County Highway Authority's verbal advice had been obtained that this approach would be acceptable.

The Planning Case Officer also referred to use of the proposed additional Condition 60, to control the phase by phase further investigation of any ground contamination. This was designed to minimise the residual risk of contamination being found close to the development phases after they had been developed. He reminded Members that the outline approval had already been granted in light of the low risk of contamination being present, as set out in the original Environmental Statement and summarised in the Agenda report.

Amended wording was suggested for Conditions 42, 46 and 47 to read *"Building works on any phases or sub phase of the development hereby approved shall not commence until..."* And the wording to the reasons be amended to *"In the interests of clarity, in accordance with the current application and..."*

As reasons for the conditions had been omitted from the original recommendation sheet in the Agenda, these were included in the recommendation sheet in the officer's written report update circulated at the meeting.

The Committee was therefore recommended to grant approval to the application, subject to the following :-

1. variation to the wording of condition 52 as given at page 18 of update sheet, but adding the date of the agent's letter (26th September 2007) to the supporting reason;
2. the inclusion of condition 60 as given at page 19 of the update sheet;

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3. the wording to conditions 42, 46 & 47 be amended to include the phrase *“Building work on any phases or sub phase of the development hereby approved shall not commence until...”*
4. the reasons to conditions 42, 46 & 47 be amended to include the phrase *“In the interests of clarity, in accordance with the current application and...”*
5. reasons be attached to all other planning conditions as set out in the update sheet; and
6. an informative be added under *Article 22(1) General Development Procedure Order 1995 setting out the reasons for the grant of approval.*

In considering the application, assurances were sought on two points, these being (1) that the investigation of contamination would include the area believed to have been used for tipping in the early/mid 20th century in the vicinity of the open space to the north east of the site and (2) that there would be control of the archaeological digs that would be taking place prior to commencement of building on each phase. The Planning Case Officer responded at the meeting by advising that the Phase 1 contamination report submitted with the approved outline application included reference to previous landfilling at the site, which would inform the Phase 2 investigations in due course. In respect of archaeology, advice was given that it was part of the outline planning conditions that the Council’s approval was required for the methods of investigation and the safeguarding or recording of any archaeology found; the County Archaeologist had been satisfied with procedures thus far. The Planning Case Officer gave an undertaking that he would inform the Member concerned of the most up to date position.

The Committee then

RESOLVED – That

(1) Condition 52 be amended to read as follows :-

a) No development shall take place unless and until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) the relief road, (including specification and construction programmes, related foul and surface water drainage and means of disposal, noise attenuation and lighting), and

(ii) principal estate roads within the site comprising the proposed bus route through the site, and road access to the location of the community building, (including specification, construction programmes and related foul and surface water drainage and means of disposal),

b) Building work on any phase or sub-phase of the development hereby approved shall not commence unless and until the road design layout for that phase or sub phase (including, footpaths and casual parking areas, foul and surface water drainage), has been submitted to and approved in writing by the Local Planning Authority. The details may be submitted as part of the overall housing/building layout for the individual phases. No house or building shall be occupied until it is provided with access constructed in accordance with such approved details to the established highway network.

Reason: In the interests of clarity and to accord with the terms of the current application as agreed by the letter of 26th September 2007 from the applicant's agent Bell Cornwell and in the interests of ensuring that the design of the relief road and principal estate roads are agreed at the early stages of the development project, allowing for other roads within the development to be approved within individual phases. In the interests of access and highway safety, in accordance with policies DEV1, DEV3 and NE17 of the West Sussex Structure Plan and GEN7, GEN8 & SITE6 of the Arun District Local Plan.

(2) Condition 60 be added to read as follows :-

Prior to the commencement of development, a plan shall be submitted to and approved in writing by the Local Planning Authority to show the individual phases and sub-phases of the development. The plan shall identify the programming of each Phase 2 Investigation under the British Standard BS10175:2001 (2001) Investigation of Potentially Contaminated Sites: Code of Practice. Any changes to this phasing or programming shall only be made with the prior written consent of the Local Planning Authority.

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Reason: To accord with Policy GEN31 of the Arun District Local Plan, to ensure that any phased approach to the development of the site is properly controlled in order that matters such as the Phase 2 site investigation of Potentially Contaminated Sites is carried out with regard to the proximity of development phases to each other.

(3) the wording to Conditions 42, 46 & 47 be amended to include the phrase *“Building work on any phases or sub phase of the development hereby approved shall not commence until...”*

(4) the reasons to conditions 42, 46 & 47 be amended to include the phrase *“In the interests of clarity, in accordance with the current application and...”*

(5) reasons be attached to all other planning conditions as set out in the update sheet; and

(6) an Informative be added under Article 22(1) General Development Procedure Order 1995 setting out the reasons for the grant of approval to read as follows:-

“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 there are no material considerations to indicate otherwise. The site is also subject to outline planning permission granted by the Secretary of State on 22nd November 2006.

RELEVANT POLICIES

Structure Plan: DEV1, DEV4, LOC1, NE11, CH1, CH4, CH7, ERA1, ERA5.

Local Plan: GEN1, GEN7, GEN15, GEN17, GEN31, GEN9, GEN11, GEN20, AREA2, AREA17, DEV11.

National Policies: PPS1, PPS3, PPG15, PPS23, PPS25

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.”

(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 and reserved their right to speak.)

BE/100/07 – Variation of Condition 49 imposed under planning reference BE/45/04 relating to off-street car parking. (This application adjoins the parishes of Middleton on Sea, Felpham and Yapton), Site 6, North Bersted, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing an error to the report, reasons for the conditions and the re-ordering of the conditions in line with the Secretary of State's original decision, the Planning Case Officer stated that this variation was simply to increase the car parking maximum provision from 1.5 to 1.76.

Members were also advised that, due to technical problems, the order in which the planning conditions had appeared in the Agenda and update sheet were incorrect and that these would be rearranged to appear in the same order as given in the Secretary of State's decision (reference BE/45/04) and the update to the previous application BE/99/07, including appropriate reasons.

The Planning Case Officer noted that there had been comment in the application responses that, in light of the proposed increase in parking spaces, it would be of heightened importance to ensure that permeable surfaces would be used as much as possible in detailed designs. He therefore proposed that an Informative be added to alert the applicant to this.

The Committee was also informed that a letter dated 26th September 2007 had been received from the applicant requesting whether, for the sake of simplicity, the variations to each of the conditions proposed under this application and BE/99/07 could appear altogether in the decision notice. The Council's legal advice was that this would not be possible but that a separate letter could be sent to the agent setting out the list of conditions with the total variations and informatives but that this would carry no legal status. A copy could also be sent to Bersted Parish Council for information.

The Committee then

RESOLVED – That

(1) the wording of condition 49 be amended to refer to an average of 1.76 car parking spaces per dwelling, and to read:-

“Detailed plans referred to in condition 1 of this permission shall provide for car parking at an average maximum of

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1.76 off street car parking spaces per dwelling. The dwellings hereby approved shall not be occupied until provision for parking has been made within the site in accordance with the agreed details, and such provision shall thereafter be used only for the parking of vehicles.

Reason: As required by the Secretary of State in her approval dated 22nd November 2006 of the outline application BE/45/0. In order to ensure the provision of vehicle parking space in accordance with Development Plan policies including; DEV5 of the West Sussex Structure Plan and GEN12 & SITE6 of the Arun District Local Plan”.

(2) the planning conditions to be re-ordered so as to appear in the same order as the Secretary of State’s decision BE/45/04 and the report update to BE/99/07, including appropriate reasons;

(3) the following Informative be added as follows:

“The increased parking ratio hereby allowed, increases the Authority’s expectation that the developer will make maximum use of permeable hard surfaces in the reserved matters applications and development of the site”,

(4) a letter to be sent to the applicant and to Bersted Parish Council listing all planning conditions and informatives, including the combined variations from the two applications BE/99/07 and BE/100/07,

(5) an Informative be added under Article 22(1) General Development Procedure Order 1995 setting out the reasons for the grant of approval as follows:-

“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 there are no material considerations to indicate otherwise. The site is also subject to outline planning permission granted by the Secretary of State on 22nd November 2006

RELEVANT POLICIES

Structure Plan: DEV1, DEV4, DEV5, LOC1, NE14, CH1, CH7, ERA1, ERA5.

Local Plan: GEN1, GEN7, GEN12, GEN17, AREA2, AREA17, DEV11.

National Policies: PPS1, PPS3, PPG13, PPG15.

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.”

BE/102/07/A – Various illuminated and non illuminated signage, Shop Around the Clock, 377-379 Chichester Road, Bersted Having received a report on the matter, together with the officer’s written report update detailing additional letters of representation received, the Committee

RESOLVED

That the application be approved as detailed in the report.

BN/21/07 – Application to vary Condition 2 of Planning Permission BN/66/06 (hours of use) and to remove Condition 3 (no taxis to application site), Unit S6, Parsonage Farm, Yapton Road, Barnham Having received a report on the matter, together with the officer’s verbal advice that an informative was required to be added to any permission setting out the summary of reasons for Grant, concerns were expressed relating to the variation requesting that 5 taxis should be permitted to operate within the Parsonage Farm site. It was felt that this should not be approved as Members did not want this to be a gathering point for taxi drivers with the resultant potential for noise nuisance. The Committee therefore

RESOLVED

That the application not be approved.

On receiving advice from the Planning Team Leader, a proposal was put forward that the variation could be accepted if the number of taxis operating at any one time within the site was reduced to 2. Following discussion, a proposal was put forward and duly seconded that Condition 4 should be amended to read :-

“At any one time no more than **2** taxis shall operate within Parsonage Farm site as defined on the blue edge accompanying the application, apart from bank holidays when no more than one taxi shall operate on Good Fridays and no more than 2 taxis shall operate on Bank Holiday Mondays.

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

The Committee then considered Conditions 1 to 3 in turn and

RESOLVED

That the application be approved as detailed in the report and subject to the addition of the standard informative and amendment of Condition 4 to read :-

“At any one time no more than **2** taxis shall operate within Parsonage Farm site as defined on the blue edge accompanying the application, apart from bank holidays when no more than one taxi shall operate on Good Fridays and no more than 2 taxis shall operate on Bank Holiday Mondays.

Reason : In the interest of residential amenity and highway safety in accordance with Policies GEN7 of West Sussex Structure Plan and DEV1 of 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 there are not material considerations to indicate otherwise.

RELEVANT POLICIES

Structure Plan: LOC2, DEV1

Local Plan: GEN1, GEN3, GEN7, DEV1

National Policies: PPS1, PPS7

AB/88/07/L – Application for Listed Building Consent for the insertion of solar panels to concealed south facing roof slopes, 51 Maltravers Street, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/118/07 – Alterations and change of use of first floor from antiques emporium to 4 No. offices, meeting room and toilet accommodation. Installation of ventilation/extraction system. Resubmission following AB/59/07, 51 High Street, Arundel Having received a report on the matter, together with the officer's written report update detailing a consultation response, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/120/07/L – Application for Listed Building Consent for alteration to enable change of use of first floor area from antique dealers to 4 No. offices, meeting room and toilet accommodation. Installation of extraction/ventilation system/ Resubmission following AB/60/07/L, 51 High Street, Arundel 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.

AW/177/07 – New two bedroom bungalow to rear of 45 & 47 Carlton Avenue, 45 & 47 Carlton Avenue, Rose Green, Bognor Regis Having received a report on the matter, the Committee did not accept the officer recommendation to approve and therefore

RESOLVED

That the application be refused for the following reason :-

“The proposed bungalow by reason of its location and size would represent an overdevelopment of the site that would be unneighbourly and out of character with the area. The proposal is therefore contrary to Policies DEV1, CH1 of the

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West Sussex Structure Plan and GEN7 of the Arun District
Local Plan.

354. ENFORCEMENT MATTERS

CIC/BR/2/07 – Unauthorised sign, Burger King, Arun Retail Park, Shripney Road, Bognor Regis Having received a report on the matter, the Committee was advised that this matter had been withdrawn as the signs had been removed.

CIC/Y/14/06 – Alleged unauthorised PVCu windows, The Old Cottage, North End Road, Yapton 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. However, it should be stressed that this opinion is based entirely on the individual circumstances and this case should not be used as a precedent for future cases, which will be assessed on their own individual merits.

(The meeting concluded at 7.25 p.m.)