

DEVELOPMENT CONTROL COMMITTEE

19th January 2005 at 2.30 p.m.

Present : Councillors Mrs Goad (Chairman), Parris (Vice-Chairman), Biss, Brookman, Mrs Brown, Butler, Dyball, Gammon (substituting for Councillor Mrs Hall), Haymes, Mrs Hazlehurst, Hill, Mrs Maconachie, Mrs Olliver and Scutt.

(Note : Councillor Biss was absent from the meeting during consideration of the matters referred to in Minutes 760 (from Application AW/265/04) and 761.)

Councillors Wilde and Wingrove were also present for part of the meeting.

755. APOLOGIES FOR ABSENCE

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

756. MINUTES

The Minutes of the meeting held on 22nd December 2004 were approved by the Committee as a correct record and signed by the Chairman.

757. DECLARATIONS OF INTEREST

Councillor Brookman declared a prejudicial interest in Application FN/71/04.

Councillor Mrs Hazlehurst declared a prejudicial interest in Application A/166/04.

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758. R/296/04/TEL – PRIOR NOTIFICATION FOR INSTALLATION OF 3 NO. ANTENNA AND 2 NO. 600mm TRANSMISSION DISHES ON THE EXISTING TOWER AT 23.5m TOGETHER WITH 2 NO. EQUIPMENT CABINETS WITHIN THE EXISTING COMPOUND AREA, EACH MEASURING 790mm x 770mm AND 1940mm HIGH AND ASSOCIATED ANCILLARY DEVELOPMENT, POWERBRONZE LIMITED, BROOKSIDE INDUSTRIAL ESTATE, RUSTINGTON

(Prior to consideration of this application, Councillor Biss declared a prejudicial interest and left the meeting and did not vote.)

The Chairman agreed that the above should be dealt with as a matter of urgency as a decision was required to be made prior to the date of the next meeting.

Following consideration of a report which was circulated at the meeting, the Committee

RESOLVED

That no objection be raised.

759. PLANNING APPEALS

The Committee noted 3 new appeals that had been lodged and 2 appeals that had been heard.

760. PLANNING APPLICATIONS

LU/383/04 – Provision of new pontoons for additional moorings. Removal of concrete gridirons and construction of hardstanding area. Extension of existing boat shed to provide updated members facilities/parking, land on West Bank, River Arun, 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 application, Councillor Brookman had declared a prejudicial interest and left the meeting and did not vote.)

FN/71/04 – Change of use of patio area to a courtyard garden for use in conjunction with bar/restaurant (Resubmission following application FN/55/03), John Henry’s Bar, The Forge, Nepcote Lane, Findon Having received a report on the matter, Members participated in a detailed debate which focused on whether a temporary permission could be granted. Following advice from the Principal Planning Officer regarding the effect on the current Enforcement Notice should temporary permission be approved, the Committee

RESOLVED

That the application be refused as detailed in the report.

FG/148/04 – Demolition of bungalow and erection of two No. chalet bungalows, 2 Beehive Lane, Ferring Having received a report on the matter, views were expressed that this proposal would be a cramped development that would alter the character of the area. The Committee therefore did not accept the officer recommendation to approve the application and

RESOLVED

That the application be refused for the following reason :-

“The two chalet bungalows, by reason of their size and position, would result in a cramped form of development to the detriment of the visual character of the street scene and is therefore contrary to Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.”

EG/115/04 – Minor amendments (following planning consent EG/39/03), 4 Ewens Gardens, Barnham Having received a report on the matter, together with the officer’s written report update detailing additional representations received, a request was put forward that a site visit should take place to assess the impact of the proposals on the neighbouring properties. The Committee therefore

RESOLVED

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

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(Prior to consideration of the following application, Councillor Wilde spoke to the item and declared a personal interest as a member of the East Preston and Kingston Preservation Society)

EP/153/04 – Outline application for a single storey detached dwelling, land to east of 1 The Way, East Preston Having received a report on the matter, views were expressed that this proposal was unacceptable as piecemeal back land development on a very narrow strip of land. The Committee did not accept the officer's recommendation to approve the application and

RESOLVED

That the application be refused for the following reason :-

“By reason of the size of the site, it is considered that the proposal would result in a cramped form of development which would be out of character with the locality. It is therefore in conflict with Policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.”

CL/19/04 – Demolition of existing Nissen hut and construction of stables and integral hay store/carport; new entrance porch and thatch roof kitchen extension, resubmission of CL/13/04, Walnut Tree Cottage, The Street, Clapham Having received a report on the matter, and as the removal of a Monterey Cyprus tree was integral to the application, the Committee

RESOLVED

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

“Condition 5 : The applicant shall, during the next planting season following the felling of the tree on the site, plant a replacement tree of a species and maturity and in a position to be approved by the Local Planning Authority and under its supervision and in the event that any such tree dies within 5 years following such planting, shall replace it by a similar tree in a similar position during the next planting season.

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

Informative : The applicant should note that under Part 1 of the Wildlife & 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-September and, therefore, removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the Act.”

CL/20/04/L – Application for Listed Building Consent to demolish existing store and garage and construct detached stables and carport; new entrance porch and thatch roof kitchen extension, resubmission of CL/14/04/L, Walnut Tree Cottage, The street, Clapham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/394/04/A – 5 x internally illuminated (static) light boxes, The Beach Restaurant, The Esplanade, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

BR/411/04 – Outline application for erection of part 2 storey, part 3 storey block of 44 one bedroom flats, with associated parking, Unit 0, Durban Road, Bognor Regis The Committee had considered and refused an identical application under BR/91/04 at its meeting on 28th July 2004, which was scheduled for an appeal in October 2005. Members now received a further application and updated report setting out the applicant’s responses to their concerns regarding the previous proposal. However, following consideration, the Committee was of the view that the reasons for refusal of application BR/91/04 were still relevant to this new development, taking account of the fact that the West Sussex Structure Plan had now been adopted, and

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RESOLVED

That the application be refused for the following reasons :-

“1. By reason of its location, within an established industrial estate, the proposal would provide unsatisfactory living accommodation for occupants and would therefore be contrary to policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

2. If this proposal were permitted the Local Planning Authority would find it difficult to resist similar proposals in the vicinity, the cumulative effect of which would result in the loss of existing employment land detrimentally affecting the maintenance for the supply of premises and jobs in the area and thereby contrary to policies NE4 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

3. The proposal would likely compromise the successful operation of the existing B2 uses within the neighbouring industrial estate and will result in a conflict of uses and is thereby contrary to policies DEV1 and NE4 of the West Sussex Structure Plan and GEN7 and GEN32 of the Arun District Local Plan.

BR/417/04 – Renewal of unimplemented outline planning permission BR/263/00 for the erection of 21 single bed sheltered housing units plus one warden unit, 55 and 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.

(Prior to consideration of the following application, Councillor Mrs Hazlehurst had declared a prejudicial interest and left the meeting and did not vote.)

A/166/03 Construction of a new building, Angmering Doctors' Surgery, with car parking on site, land to west of road junction, intersection of Station Road and The Thatchway, Angmering This application had been deferred by the Committee at its meeting on 17th November 2004 in order that the views of the Environment Agency could be clarified. Members now received an updated report which confirmed that the Environment Agency was still objecting to the proposal on the grounds that the building was not acceptable

in a High Risk Flood Zone and, also, that there would appear to be an alternative site available. The officer's written report update was circulated at the meeting detailing additional responses received, together with a verbal update that written advice had been received that the Medical Committee had confirmed that the Dappers Lane site would be acceptable.

Some Members were of the opinion that although the Environment Agency was objecting, this was based on national policy and did not necessarily apply to local situations. It was felt that, as only 20% of the site was within the flood plain and only a small part of the building would be on stilts, any potential problems could be covered by conditions. It was felt that the village of Angmering had a unique and urgent need for a doctors' surgery and the central position of this site outweighed the flooding issue.

However, other Members were of the view that the advice from the Environment Agency should not be overruled as a precedent would be set and that, as an alternative site was available within the locality, the officer recommendation to refuse should be adhered to.

Following debate the Committee

RESOLVED

That the officer recommendation to refuse not be accepted.

(A request was received that the voting should be recorded. Those voting for the officer recommendation to refuse the application were Councillors Mrs Brown, Mrs Goad, Haymes, Mrs Maconachie, Mrs Olliver and Parris (6); and those voting against were Councillors Biss, Brookman, Butler, Dyball, Gammon, Hill and Scutt (7). There were no abstentions.)

The Committee then received advice from the Principal Planner (Development Control) that, under Paragraph 65 of PPG25, the Local Planning Authority had to inform the Environment Agency of the decision it had reached, together with the reasons for doing so. In addition the Environment Agency would have to give advice on any conditions it deemed appropriate to put on the approval.

The Chairman called a 5 minute adjournment to the proceedings to enable Members to formulate the necessary wording.

In discussing the wording of the reason for approval of this application, the Committee also felt that any conditions on the approval should be delegated to officers in consultation with the Chairman. The Committee then

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RESOLVED – That

(1) the application be approved, with the following reason to be forwarded to the Environment Agency :-

“It is the opinion of the majority of this Committee that compensatory flood storage areas can be provided as part of the development in accordance with Policy GEN11 and it is considered that there are overriding special circumstances for the need for a doctors’ surgery in this location.” and

(2) any conditions on the approval to be delegated to officers in consultation with the Chairman.

AW/265/04 – Proposed 4 bedroom house with integral garage, land adjacent to 16 Wychwood Close, Craigweil, Aldwick Having received a report on the matter, together with the officer’s written report update detailing an additional objection, views were expressed that this proposal was far too large for the plot and, as the area had now been designated as an Area of Special Character, did not enhance the locality and that the parking space to be provided was not adequate. The Committee did not accept the officer recommendation to approve the application and

RESOLVED

That the application be refused for the following reason :-

“By reason of its design and siting, the proposed dwelling would adversely affect the visual amenities of the area and be out of character with the locality as it does not make a positive contribution to an area which is designated as an Area of Special Character. The proposal is therefore contrary to Policy DEV1 of the West Sussex Structure Plan and Policies GEN7 and AREA1 of the Arun District Local Plan.

AW/267/04/T – Lopping of 6 Poplar trees by 1/3, 74 Pinehurst Park, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

761. REPORT SEEKING AUTHORITY TO DIVERT THE FOOTPATH NO.326 IN THE PARISH OF BARNHAM UNDER SECTION 257, TOWN & COUNTRY PLANNING ACT 1990 TO ALLOW DEVELOPMENT TO PROCEED, POLLARDS NURSERY, LAKE LANE, BARNHAM

The Committee received a report from the Planning Solicitor which sought authority to divert Footpath No 326 to enable two new glasshouses to be constructed. As a concern was raised whether the nearby reservoir was to be fenced off, the Assistant Lawyer undertook to provide this information to Members following the meeting. The Committee

RECOMMEND TO FULL COUNCIL

That, in relation to Footpath No. 326, the making of the Footpath Diversion Order under Section 257, Town and Country Planning Act 1990, be approved in accordance with the routes noted on the plan attached to the report.

(The meeting concluded at 6.02 pm)