

DEVELOPMENT CONTROL COMMITTEE

16th February 2005 at 11.00 a.m.

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

(Note : Councillor Scutt was absent from the meeting during consideration of the matters referred to in Minutes 846 to 849).

Councillors Dingemans and Wilby were also present for part of the meeting.

853. WELCOME

The Chairman welcomed to the meeting Mr Duncan Barratt of the West Sussex County Council's Highway Department, who was present to answer Members' questions with regard to highway issues.

854. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Brookman and Butler.

855. MINUTES

The Minutes of the meeting held on 19th January 2005 and the Special meeting held on 1st February 2005 were approved by the Committee as a correct record and signed by the Chairman.

856. DECLARATIONS OF INTEREST

There were no declarations of interest made in respect of Planning Application FP/92/04.

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An indication was given that declarations of interest would be made in respect of Agenda Item 10, Planning Applications, when the meeting resumed for the afternoon session.

857. PLANNING APPLICATION FP/92/04 – LAND TO THE NORTH OF FELPHAM, BOGNOR REGIS, OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED USES FORMING PART OF POLICY SITE 6, CONSTRUCTION OF THE BOGNOR REGIS NORTHERN RELIEF ROAD FROM A259 AT FELPHAM TO A29

As the Secretary of State had called in this application and Application BE/45/04 for determination at a Public Inquiry, the Head of Planning Services advised the Committee and the members of the public present of the process that would be undertaken leading up to that Public Inquiry. The Council was not able to make a decision but, instead, must indicate the decision it would have taken and to support that decision with evidence, which would then be presented to the Inquiry.

In addition, the Committee was advised that, since the application had been called in, further information had been received from the applicant and it was likely that this would continue to happen up to the commencement of the Public Inquiry on 14th April 2005. Officers had considered the further information but it had not been included in the report before Members because it had not been the subject of public consultation.

Prior to a detailed presentation by the Planning Control Manager, the Committee was advised of the following amendments to the report. :-

Page 100, Paragraph 7.13.7, delete “the existing Bognor Regis community college has sufficient built capacity and a contribution is not required” and replace with “**Felpham Community College would not have sufficient built permanent built capacity and a financial contribution is required towards additional secondary school places**”.

Page 151, Reason 1, Line 12, change “rights of way” to “**proposed path/cycle route**”.

Members were also advised that a plan had been received from the applicant within the last two days but that this was not a formal amendment to the application. Further advice was given regarding the following points :-

1. On the matter of the potential legal agreement relating to the delivery of the relief road, heads of terms had been agreed by the County Highway Authority. These relied upon the full relief road being provided within 2 years of the construction of the 101st market house rather than by the commencement of the second phase of development, which was for 360 dwellings.

2. Recommendation 75 on page 162-163 – the point was emphasised that the proposal would provide scope for access for the subsequent development of allocated employment land at Oldlands Farm, which was consistent with the co-ordinated approach required in Local Plan policy.

3. Reason 3 for refusal, as detailed in the report (FP/92/04), referred to the absence of an acceptable scheme for development of the western section of the relief road. This point had not been raised in the previous report relating to the land at Bersted (application BE/45/04), which included the western part of the proposed relief road. The proposed reason was included in the current report relating to the Felpham site and eastern section of the road due to the issue of timing, i.e. Members were now considering the application for land at Felpham after the application for land at Bersted. It was not to be implied that the Bersted scheme would be acceptable if the western section of the proposed relief road was built in isolation from the eastern section.

The Planning Control Manager appraised the Committee of various aspects of the application by way of a series of maps and plans which outlined the proposed make up of the development; the line of the relief road; issues relating to flooding; community facilities and infrastructure; and open space. Additional information was also given verbally as a result of recently received correspondence from the agent and the applicant's engineers.

The Committee then participated in a full debate and questions were asked and responded to at the meeting by the Head of Planning Services, the Planning Control Manager and Mr Barratt regarding the various concerns of Members relating to highway issues (in particular bus lanes and vehicle access to Shirley Drive); school provision; and lack of shopping facilities.

On behalf of the Committee, the Chairman paid tribute to the Planning Control Manager for the amount of work that he had undertaken in preparing the report and she also thanked Mr Barratt for his attendance and input at the meeting.

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It was agreed that an additional recommendation should be included to read "There should be no vehicular access to the development via Shirley Drive." The Committee then

RESOLVED - That

(1) had it been able to determine the application, permission would have been refused for the following reasons :-

1. From the details submitted the Council is not satisfied that the development would respond positively to the characteristics and resources of the site and lead to the creation of an attractive development, mindful of the needs of people. The layout indicates that extensive parts of the housing area would be remote from the principal areas of open space and would not appear to contain space which would help to define a sense of place and provide for the amenities of residents. The heavy reliance upon the approximate grid-style layout would be unrelated to the character of existing development in the vicinity and would cut across open space, rights of way and hedgerows, which is not considered sympathetic and responsive to the character and resources of the site and landscape. Accordingly, the proposal is not in accordance with Policy DEV1 of the West Sussex Structure Plan and Policies DEV7 and GEN20 of the Arun District Local Plan.

2. The Council is not satisfied that adequate provision has been made for the provision of flood compensation measures, to mitigate the effect of the construction of part of the proposed relief road in an area of flood risk. In the absence of information, it is not known whether compensation works would have adverse effects on landscape or nature conservation interests. The proposal is therefore contrary to Policy DEV3 of the West Sussex Structure Plan and Policies GEN11, GEN8, GEN29 and GEN30 of the Arun District Local Plan.

3. In the absence of an acceptable scheme for the development of the western section of the proposed Bognor Regis Relief Road, the proposal would not result in a comprehensive and co-ordinated form of development and traffic management. The proposal is therefore contrary to Policies LOC1 and DEV1 of the West Sussex Structure

Plan and Policies GEN8 and SITE6 of the Arun District Local Plan.

4. From the information provided the Council is not satisfied that off-site highway improvements comprising bus lanes at the A259 Felpham Way, and Upper Bognor Road, together with junction improvements at the A259 Hotham Park roundabout, would be acceptable in terms of visual impacts, residential amenities, roadside vegetation, including trees and woodland, which comprises part of identified Public Open Space. The proposal is therefore contrary to Policy DEV1 of the West Sussex Structure Plan and Policies AREA5 and GEN7 of the Arun District Local Plan.

5. From the information provided the Council is not satisfied that development would avoid adverse impacts on existing rights of way, nor that it is demonstrated that safe and attractive facilities would be provided for cyclists. The proposal is therefore contrary to Policies GEN15 and GEN16 of the Arun District Local Plan.

6. The Proposal makes no provision for neighbourhood shopping facilities, nor is it demonstrated that such facilities are not required on this site. The proposal is therefore contrary to Policy DEV28 of the Arun District Local Plan.

7. The Council is not satisfied that the environmental impact assessment relating to the following issues has been based upon adequate data and information and therefore it is not satisfied that the impacts and mitigation of any adverse effects have been appropriately identified and proposed; noise, air quality, water quality and lighting. The proposal is therefore contrary to Policies DEV1 and ERA5 of the West Sussex Structure Plan and Policies GEN7, GEN26, GEN32, GEN33 and GEN34 of the Arun District Local Plan.

8. The Council is not satisfied that the environmental impact assessment relating to ecology, wildlife and nature conservation has been based upon adequate data and information and therefore it is not satisfied that the impacts and mitigation of any adverse effects has been appropriately identified and proposed. The proposal is therefore contrary to Policy DEV1 of the West Sussex

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Structure Plan and Policies GEN7, GEN29 and GEN30 of the Arun District Local Plan.

(2) the recommendations 1-80 as detailed in the table attached to the report and as attached to these Minutes, be accepted, subject to an additional recommendation 81 to read "There should be no vehicular access to the development via Shirley Drive"; and

(3) continued efforts be made by officers in the lead up to the Public Inquiry to identify whether the inadequacies of the application are capable of being overcome.

The meeting then adjourned at 1.20 p.m. for lunch and reconvened at 2.30 p.m.

858. DECLARATIONS OF INTEREST

Councillors Biss and Mrs Brown declared a prejudicial interest in Application AW/307/04.

Councillor Haymes declared a prejudicial interest in Applications Y/69/04 and Y/70/04.

Councillors Mrs Maconachie, and Scutt declared a personal interest in Application FP/29/04 as members of the Bognor Regis History Society and stated they would leave the meeting during its consideration.

Councillor Mrs Olliver declared a personal interest in Application FP/29/04 as an honorary member of the Bognor Regis History Society and, following advice from the Planning Solicitor, stated she would leave the meeting during its consideration.

Councillor Scutt declared a personal interest in Application BR/44/04 as a member of the Licensing and Enforcement Committee which had considered a Street Trading Consent for this application.

Councillor Mrs Stainton declared a personal interest in Application FP/29/04 as she lived near the site.

859. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST SITE INSPECTION PANEL - APPLICATION EG/115/04 – MINOR AMENDMENTS (FOLLOWING PLANNING CONSENT EG/39/03), 4 EWENS GARDENS, BARNHAM

(Prior to consideration of this application, the Chairman made a statement regarding her role as a Ward Councillor and, having taken legal advice, declared a prejudicial interest and left the meeting and did not vote. The Vice-Chairman took the Chair for this item only.)

In receiving a report on a meeting of the Post Site Inspection Panel held on 25th January 2005, Members were advised that Councillor Hill had chaired the Panel and not Councillor Butler, as detailed in the report. Following consideration of the matter, the Committee

RESOLVED

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

860. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST SITE INSPECTION PANEL – APPLICATION P/121/04 – TWO BED DETACHED BUNGALOW AND GARAGE (RESUBMISSION FOLLOWING P/106/04), LAND EAST OF STONEHILL CRESCENT, PAGHAM

This application had been deferred from the meeting held on 22nd December 2004.

The Committee received a report on a meeting of the Post Site Inspection Panel held on 25th January 2005, together with the officer's written report update detailing an additional representation from the applicant, and, during the course of debate, views were expressed that the proposal was an unneighbourly and cramped form of development and the loss of car parking was unacceptable. Members therefore did not accept the officer recommendation to approve the application and

RESOLVED

That the application be refused for the following reason :-

“The proposed bungalow by reason of its design and siting would give a cramped appearance which would be detrimental to the residential amenities of the next door neighbours in particular and the character of the area in general. There

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would also be a loss of car parking to the estate. The proposal therefore conflicts with Policy DEV1 of the West Sussex Structure Plan and Policy GEN7 of the Arun District Local Plan.”

861. PLANNING APPEALS

The Committee noted 5 new appeals that had been lodged and 9 appeals that had been heard.

862. PLANNING APPLICATIONS

AW/277/04/T – Application to reduce the height of 1 Horse Chestnut tree, Rose Cottage, 79 The Fairway, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/290/04 – Rear conservatory extension and replacement garage, 86 The Fairway, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/291/04 – Single garage, reposition gate and drive access, South Lodge, 29 Marquis Way, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/293/04/T – Fell one Horse Chestnut tree, 80 Barrack Lane, Aldwick Having received a report on the matter, a request was made that special care should be taken when choosing a replacement tree and it was agreed that advice from the Council’s Arboriculturist would be sought. The Committee then

RESOLVED

That the application be approved as detailed in the report.

AW/295/04 – Erection of attached single storey dwelling – Land adjoining 8 Frobisher Road, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/297/04 – Erection of a garage, 21 Oxford Drive, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/299/04 – Redevelopment of site with 9 No. flats comprising 4x2 bed and 5x1 bed – 37 & 39 Kelsey Avenue, Aldwick Having received a report on the matter, together with the officer's written report update detailing an additional representation received, views were expressed that the proposal would detrimentally change the street scene and character of the area and was therefore unacceptable. The Committee did not accept the officer recommendation to approve the application and therefore

RESOLVED

That the application be refused for the following reason :-

“The proposed erection of this block of flats will result in an overdevelopment of the site that will be out of character with the existing street scene. It will also result in the loss of buildings that make a positive contribution to the area. The proposal is therefore contrary to Policy DEV1 of the West Sussex Structure Plan and Policy GEN7 of the Arun District Local Plan.”

AW/300/04 – Proposed enlargement of existing garage enclosure – 135 Manor Way, Aldwick Having received a report on the matter, together with the officer's written report update detailing the consultation response from the Council's Arboriculturist, a request was made that the Wildlife Informative should be added to the conditions as it was proposed that two trees would be removed from the site. The Committee

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RESOLVED

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

“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 the Act.”

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

AW/307/04 - 17.5M monopole painted brown BS8070, 3 antennas and an equipment cabinet, Southern Water Compound, Silverston Avenue, Aldwick 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 refused as detailed in the report.

A/157/04 – Change of use of amenity land to private residential garden land together with the erection of a 1m fence, Land adjacent 6 Highfield Close, Angmering Having received a report on the matter and the Parish Council representative having indicated under the Public Speaking Rules that the Ownership Certificate was incorrect, it was agreed that the Case Officer should check whether the West Sussex County Council Highway Authority was the landowner. The Committee therefore

RESOLVED

That the application be deferred for clarification of the ownership issue.

(Prior to consideration of the following application, Councillor Scutt had declared a personal interest as a member of the Licensing and Enforcement Committee which had considered the application for a Street Trading Consent. Councillor Scutt participated in the debate and vote.)

BR/441/04 – One catering trailer (kiosk), The Promenade, Adjacent to Marine Drive West, Bognor Regis Having received a report on the matter, the question was asked whether customer waste from the operation would be removed on a daily basis by the applicant. It was agreed that Condition 2 should be amended to take account of this. The Committee then

RESOLVED

That the application be approved as detailed in the report, subject to amendment of Condition 2, second sentence, to read **“The trailer kiosk and customer waste shall be removed from the promenade site outside of these hours.”**

CL/23/04 – Additional roof windows to front (west) elevation of modified bungalow, 4 Clapham Close, Clapham Having received a report on the matter, together with the officer’s written report update detailing an additional objection, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/277/04 – Permanent retention of fences, 78 & 80 Downview Road, Felpham Having received a report on the matter, views were expressed that the proposal was not in keeping with the street scene. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason :-

“The retention of the fence to the front of the property on a permanent basis would adversely affect the visual amenities of the street scene. The proposal would therefore be contrary to Policy DEV1 of the West Sussex Structure Plan and Policy GEN7 of the Arun District Local Plan.”

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(Prior to consideration of the following application, Councillors Mrs Maconachie, Mrs Olliver and Scutt had declared a personal interest and left the meeting and did not vote.)

Councillor Mrs Stainton had declared a personal interest and remained in the meeting and participated in the debate and vote.)

FP/291/04 – Outline application for demolition of existing buildings and the construction of 12 No. flats with 12 parking spaces, Land at 96, 96A and 98 Limmer Lane, Felpham Having received a report on the matter, together with the officer's written report update detailing additional representations received, Members were also reminded that a previous recent application was under appeal and would be considered via a Public Inquiry. The Committee was of the view that this proposal was an overdevelopment of the site and would be out of character with the street scene and, therefore, did not accept the officer recommendation to approve and that, for the sake of consistency, the reason for refusal should be the same as that given for the previous application. The Committee then

RESOLVED

That the application be refused for the following reason :-

“The proposed erection of this block of flats will result in an overdevelopment of the site that will be out of character with the street scene. It will also result in the loss of buildings that make a positive contribution to the area. The proposal is therefore contrary to Policies DEV1, LOC1 and CH1 of the West Sussex Structure Plan and Policy GEN7 of the Arun District Local Plan.

The Chairman then called a 15 minute adjournment to the meeting.

LU/502/04 – Erection of shed on drive, 20 Oakcroft Gardens, Littlehampton Having received a report on the matter, a view was expressed that having a shed on the driveway in front of the garage had a detrimental effect on the street scene and the Committee therefore did not accept the officer recommendation to approve this application and

RESOLVED

That the application be refused for the following reason :-

“By reason of its position, forward of the existing garage, it is considered that the shed is out of keeping with the street scene and is therefore contrary to Policy GEN7 of the Arun District Local Plan.”

LU/522/04 – Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for removal of existing ventilation plant and installation of new, Littlehampton Swimming & Sports Centre, Sea Road, Littlehampton Having received a report on the matter, together with the officer’s verbal advice that this was an Arun District Council application, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/107/04 – Change of use of wasteland to garden, erection of new fence and engineering works to adjacent stream, 36 Lodge Close, Middleton on Sea Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/136/04 – 1 No. replacement dwelling, 2 East Close, Middleton Having received a report on the matter, Members expressed concern that the present building was to be demolished and felt that a site visit would be beneficial to assess the impact of the proposal on the Area of Special Character. The Committee therefore

RESOLVED

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

P/125/04 – Rear extension to replace conservatory and front/side extension to form garage and lounge extension, 29 Sea Way, Pagham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

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P/129/04 - Erection of one single storey dwelling (resubmission following P/100/04), Land at 51 Sea Lane, Pagham Having received a report on the matter, it was felt that the roof line of this proposal was too high and that the reason for refusal of a previous application on this site was still relevant. The Committee therefore did not accept the officer recommendation to approve and

RESOLVED

That the application be refused for the following reason :-

“The proposed bungalow by reason of its height would be detrimental to the visual amenities and character of the area. The proposal is therefore contrary to Policies LOC1, CH1, DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.”

P/133/04 – Extension, 42 East Front Road, Pagham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

SS/4/04 – Vehicular crossover and access drive to serve Foxes Oven, Land adjacent to Foxes Oven, 45 Offham, South Stoke Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

WA/101/04 – Change of use to holiday let accommodation/dwelling, Stable Cottage, Eastergate Lane, Walberton Having received a report on the matter, together with the officer’s verbal correction that the Comment on Representation Received box within the report should refer to the County Agricultural Appraisal Officer, the Committee

RESOLVED

That the application be approved as detailed in the report.

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

Y/69/04 – 1 new chalet bungalow (resubmission following planning application Y/53/04), Plot adjacent to No.1 Cherry Avenue, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

Y/71/04 – Outline Application for Terrace of four dwelling (plots 4-7) to replace two dwellings (plots 4-5), Land between No's 6/7-17 West View Drive, Yapton 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 Haymes had declared a prejudicial interest and left the meeting and did not vote.)

Y/74/04 – Approval of Reserved Matters following outline application Y/41/02 for residential development of ten houses with garaging and parking spaces, Land to the west of Kings Close, Yapton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

863. ENFORCEMENT MATTERS

CIC/BR/8/04 – Alleged unauthorised painting of Listed Building, 1 Norfolk Place, Bognor Regis Having received a report on the matter, together with advice from the Planning Solicitor that proceedings should be taken under the Planning (Listed Buildings & Conservation Areas) Act 1990 and not to the Town & Country Planning Act 1990, the Committee

RESOLVED

That the required authority be provided under the Planning (Listed Buildings & Conservation Areas) Act 1990 to institute legal proceedings for failure to comply with the Enforcement Notice.

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CON/EG/4/02 – Alleged unauthorised siting of a mobile home for permanent residence, Ennisdale, Eastergate Lane, Eastergate Having received a report on the matter, together with the officer's written report update detailing a further representation from the Agent, the Committee

RESOLVED

That the required authority be provided under Section 179 of the Town & Country Planning Act 1990 to institute legal proceedings for the failure to comply with the enforcement notice.

Arun District Council –v- Johanna Thomas, Prosecution Under Section 179 Town & Country Planning Act 1990, Evening Hill, West Walberton Lane, Walberton The Committee received and noted this information report.

(The meeting concluded at 6.06 pm)