

DEVELOPMENT CONTROL COMMITTEE

10th March 2004 at 4.00 p.m.

Present : Councillors Mrs Goad (Chairman), Parris (Vice-Chairman), Ayling, Biss, Brookman, Mrs Brown, Butler, Gammon, Mrs Hall, Haymes, Mrs Hazlehurst, Hill, Lury and Mrs Olliver.

(Note : The following Councillors were absent from the meeting during consideration of the matters referred to in the Minutes indicated :- Councillor Butler, Minutes 934 to 942 (part – up to Application AW/16/04/T); Councillor Hill, Minutes 942 (part – from Application M/3/04) to 943; and Councillor Lury, Minutes 934 to 939.)

934. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Mrs Stainton.

935. MINUTES

The Minutes of the meeting held on 11th February 2004 were approved by the Committee as a correct record and signed by the Chairman.

936. DECLARATIONS OF INTEREST

Councillor Brookman declared a personal interest in Application FN/1/04/T as he lived diagonally opposite the site.

Councillor Biss declared a personal interest in Application CM/46/03 as the site was directly behind his house.

937. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST SITE INSPECTION PANEL – APPLICATION AB/155/03 – CONSTRUCTION OF 5 NO. 4 BEDROOM 2 STOREY BUILDINGS WITH ALLOCATED BIN STORES, TOFUA, THE SLIPE, TARRANT STREET, ARUNDEL

The Committee received a report from the meeting of the Post Site Inspection Panel held on 17th February 2004 and accepted the Panel's view that the proposal would be unneighbourly, overbearing and overshadowing and therefore

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RESOLVED

That the officer's recommendation included at Appendix 1 to the report not be accepted and the development be refused planning permission for the following reason :-

"By reason of its height and distance from neighbouring residential properties, the proposed development will be out of scale with the adjoining development and will result in overshadowing together with a loss of residential and visual amenities of those properties. It thereby conflicts with Policies G1, B2, B3 of the West Sussex Structure Plan; DEV1, LOC1, CH8 of the West Sussex Structure Plan Deposit Draft; and GEN7, AREA 2 of the Arun District Local Plan."

938. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST SITE INSPECTION PANEL – APPLICATION AB/156/03CA – APPLICATION FOR CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING BUILDINGS, TOFUA, THE SLIPE, TARRANT STREET, ARUNDEL

The Committee received a report from the meeting of the Post Site Inspection Panel held on 17th February 2004 and in light of the decision taken in respect of Application AB/155/03

RESOLVED

That the officer's recommendation included at Appendix 1 to the report not be accepted and that the development be refused planning permission for the following reason :-

"In the absence of an approved scheme for the site, and in accordance with advice within PPG15 relating to demolition within Conservation Areas, it would be inappropriate to grant consent for the demolition of the buildings."

939. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST SITE INSPECTION PANEL – APPLICATION BE/108/03 – 2 NO TWO BEDROOM TERRACED HOUSES, PART GARDEN LAND NORTH EAST OF 26 STROUD GREEN DRIVE, NORTH BERSTED

The Committee received a report from the meeting of the Post Site Inspection Panel held on 17th February 2004, together with the officer's written report update detailing additional representation received and, following

consideration, accepted the Panel's view that the proposal was an overdevelopment of the site and therefore

RESOLVED

That the officer's recommendation included at Appendix 1 to the report not be accepted and the development be refused planning permission for the following reason :-

"The size and position of the site on this corner location would not permit the erection of two dwellings and car parking spaces of a standard compatible with the existing development in the area and in consequence the proposal would be detrimental to the present character and amenities of the locality.

The proposal would therefore be contrary to Policies G1, G5, B1, B2 of the West Sussex Structure Plan, DEV1, LOC1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan."

940. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST SITE INSPECTION PANEL – APPLICATION Y/78/03 – ERECTION OF 1 NO. BUNGALOW AND SINGLE GARAGE, PHILOMEL, CHURCH ROAD, YAPTON

Committee received a report from the meeting of the Post Site Inspection Panel held on 17th February 2004, together with the officer's written report update detailing amended and additional conditions and additional information received, and

RESOLVED

That the recommendation included at Appendix 1 to the report be accepted and the development be granted planning permission, subject to the amended conditions detailed in the officer report update.

941. PLANNING APPEALS

The Committee noted 9 new appeals that had been lodged and 2 appeals that had been heard.

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942. PLANNING APPLICATIONS

AW/13/04 – Renewal of unimplemented planning permission AW/57/99 for one 4 bedroomed house with double garage, 78 The Drive, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing additional representations received, views were expressed about how this proposal might affect the Area of Special Character and whether the access was suitable. The Committee therefore

RESOLVED

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

AW/16/04/T – Fell one conifer tree, 16 Tinghall, Aldwick Fields, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/299/03 – Renewal of unimplemented planning AW/65/00 for demolition of existing house and erection of two 4 bedroom houses each with a double garage, Little Fellows, 31 The Drive, Craigweil, Bognor Regis This application had been deferred at the previous meeting in order to allow for a report to the next available meeting so as to reflect the issues raised during the debate. The report before Members now incorporated additional comments and representations received. The officer's written report update provided substantial further representations and comments and the Chairman called a short adjournment to enable Members to digest the information prior to consideration of the matter.

The Committee took part in a detailed debate which reiterated the views previously expressed that this application was contrary to Policies AREA1 and GEN22 of the Arun District Local Plan. It was felt that the demolition of the existing house would not enhance the area and, rather, it should be protected.

The Planning Control Manager reminded Members that the appeal decision in 2003 had taken account of the policies of the Arun District Local Plan and that the Inspector had made comments about fundamental aspects of the scheme and found them to be acceptable. Work was currently underway on the Area of Special Character and the local list of buildings of character but this was unlikely to be completed until late spring.

At this point the Planning Solicitor was asked for his comments and it was suggested and agreed that the Committee should move into Exempt Business to receive legal advice in the event that Members might be minded to refuse the application. The Chairman explained the process to those present in the public gallery and apologised that they would have to leave whilst the advice was given but would be called back as soon as possible once the proceedings resumed in open session. The public were being excluded from the meeting under paragraph 12 of Schedule 12A of the Local Government Act 1972 – receipt of legal advice in connection with impending legal proceedings.

The Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

The Planning Solicitor appraised the Committee in detail of various issues that might be taken account of should it decide to refuse the application.

Following this advice the Committee then moved back into open session and the public was recalled.

On being put to the vote, the Committee unanimously rejected the officer recommendation to approve the application as the site was within the Craigweil Area of Special Character and the existing dwelling was of historic value as an example of a 1930's estate house. A short adjournment was called by the Chairman to allow officers to formulate reasons for refusal based on the foregoing debate. The Committee then

RESOLVED

That the application be refused for the following reason :-

“The site lies within the Craigweil Area of Special Character which contains buildings of high quality design and appearance, the area is also acknowledged for the quality of its landscape detailing. The proposal which is in outline form, does not contain sufficient detail to demonstrate that the

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development would make a positive contribution to the special character of the area and its landscaping, it would involve a loss of part of the historic layout of the area. The proposal is therefore contrary to Policy CH1 of the West Sussex Structure Plan Deposit Draft , Policies AREA1 and GEN7 of the Arun District Local Plan”.

AB/204/03/L – Application under Regulation 13 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990 for Listed Building Consent to affix one hanging sign and one flag pole, 61 High Street, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/206/03 – Install automatic sliding door to existing shopfront and air conditioning condenser to rear elevation, 15-21 Queen Street, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/208/03 – Two storey side extension, 47 Pearson Road, Arundel Having received a report on the matter, together with the officer’s written report update detailing an additional representation received, a request was made that a site visit should take place to assess the impact of the proposal on the character of the area. Following consideration, the Committee

RESOLVED

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

BN/25/03 – Single storey barn style dwelling, (Departure from the Development Plan), Croftway Nursery, Yapton Road, Barnham This application had been deferred from the November meeting in order to obtain an operational needs assessment from the applicant, who had now also submitted more information and a Business Plan which had been considered by the County Agricultural Adviser. Following consideration of the updated report and the officer’s written report update detailing a correction to Condition 5, the Committee

RESOLVED

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

BR/393/03/T – Application for the reduction of upper canopy and surgery to 2 No trees, South Bersted Vicarage, 121 Victoria Drive, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a corrected location map, the Committee

RESOLVED

That the application be approved as detailed in the report.

Prior to consideration of the following application, Councillor Biss had declared a personal interest and left the meeting and did not vote.

CM/46/03 – Residential development consisting of two semi-detached houses (Departure from Development Plan), site adjacent to 17 Appletree Walk, Climping Having received a report on the matter, the Committee was of the view that there was a need for the impact of the proposal on the character of the area to be assessed and therefore

RESOLVED

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

EP/5/04 – Single storey extension to study, 10 Michel Grove, East Preston Having received a report on the matter, together with a verbal officer update relating to a correction in the dimensions of the extension as stated within the report, the Committee

RESOLVED

The application be approved as detailed in the report.

FP/263/03 – Outline application for one 3 bedroom detached bungalow with integral garage and new single garage for the existing house, 56 Outerwyke Road, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be refused as detailed in the report.

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Prior to consideration of the following application, Councillor Brookman had declared a personal interest and left the meeting and did not vote.

FN/1/04/T – Surgery to various trees, 5 Summerfields, Findon Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FN/91/03 – Change of use of part garden centre to B1 use, Greenfingers Garden Centre, A24 Findon By-Pass, Findon Having received a report on the matter, together with the officer's written report update detailing further designations applicable to the site, the Committee

RESOLVED

That the officer recommendation to approve not be accepted and the application be refused for the following reason :-

“The proposal would result in an unacceptable industrial incursion within the Local Gap and Area of Outstanding Natural Beauty. It would be harmful to neighbouring properties in respect of the nature and level of activity likely to be generated and will have an adverse effect on the rural character of the area. It is therefore contrary to Policies AREA9, AREA11, DEV1 and GEN7 of the Arun District Local Plan.”

M/3/04 – Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for a fenced compound to store coast protection materials, land adjacent to Sheepwash Barn, Worms Lane, Middleton Having received a report on the matter, together with the officer's written report update detailing additional representations and consultation responses received; further information; and amended Conditions, it was suggested by Members and agreed that, should this proposal be approved, a 5 year temporary permission should be placed on it. Members were also verbally advised that Condition 6 should be amended at line 3 to end at the word Authority, with the reason being the same as for Condition 5, and the remaining wording to be included as Informative 7.

During the course of the debate, a request was made and agreed that all efforts were to be made to ensure that the access gate/bar at the junction of Worms Lane and the A259 should remain locked at all times when not in use to allow deliveries to be made to or from the site. This would be advised

to the Council's Engineers. In addition, the Committee requested that any possibility of creating a banked up form of planting along the site frontage to Worms Lane should be considered in the subsequent discharging of Condition 4.

The Committee then

RESOLVED

That the application be approved as detailed in the report, the report update and as amended at the meeting in respect of granting a 5 year temporary permission and change to the wording of Condition 6.

P/11/04 – Demolish existing conservatory and shed and construct a single storey extension and attached garage, 6 Lake View, Pagham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/20/04 – Detached outbuilding embracing garage, pump room and garage store, demolish existing pre-fab garage, 153 Worthing Road, Rustington Having received a report on the matter, together with the officer's written report update detailing a consultation response from the Council's Environmental Health Department and subsequent additional Condition relating to noise, the Committee

RESOLVED

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

Y/81/03 – Garden pergola and cat run combination for owners' pets, Oakview, North End Road, Yapton 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.

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943. ENFORCEMENT MATTERS

CON/P/14/02 – Unauthorised living accommodation within the roof space and unauthorised insertion of five velux roof lights, 95 West Front Road, Paghams Having received a report on the matter, together with the officer's verbal correction that it was the Committee and not the Sub-Committee which should provide the necessary authority, the Committee

RESOLVED

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

CON/LU/44/00 – Failure to comply with Condition 3 attached to Planning Permission Reference LU/204/96, Seaton Park Garage, Lyminster Road, Littlehampton Having received a report on the matter, together with a verbal correction that the relevant Section should be amended to 187a as detailed at paragraph 3.1 of the report, the Committee

RESOLVED

That authority be granted under Section 187a of the Town and Country Planning Act 1990 to institute legal proceedings for the failure to comply with the Breach of Condition Notice.

(The meeting concluded at 6.55 pm)