

DEVELOPMENT CONTROL COMMITTEE

14th January 2004 at 4.00 p.m.

Present : Councillors Mrs Goad (Chairman), Parris (Vice-Chairman), Biss, Brookman, Mrs Brown, Butler, Haymes, Mrs Hazlehurst, Hill, Lury, Matthews, Mrs Olliver and Mrs Stainton

(Note : Councillor Lury was absent from the meeting during consideration of the matters referred to in Minutes 730 to 737.)

Councillors Church, Dendle, Gammon and Wingrove were also present for part of the meeting.

730. MINUTES

The Minutes of the meeting held on 3rd December 2003 were approved by the Committee as a correct record and signed by the Chairman.

731. DECLARATIONS OF INTEREST

Councillor Butler declared a prejudicial interest in Agenda Item 10, Planning Application LU/421/03.

732. UNAUTHORISED ERECTION OF A BUILDING TO PROVIDE 5 NO. FLATS, MANOR FARM HOTEL, ELMER ROAD, MIDDLETON

The Chairman agreed that the above should be considered as a matter of urgency under Agenda Item 11, Enforcement Matters, as authority from the Committee was required to institute legal proceedings.

733. TELECOMMUNICATIONS MASTS – PROHIBITORY COURT PROCEEDINGS (Exempt – Paragraph 12(b) – Legal Proceedings By or Against the Authority)

The Chairman agreed that the above should be considered as a matter of urgency under Exempt Business as the last item on the Agenda as authority was required from the Committee for the commencement of legal proceedings, if thought necessary by the Solicitor to the Council.

Development Control Committee
- 14.01.04.

734. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL
POST SITE INSPECTION PANEL – APPLICATION AB/140/03 – TWO
STOREY REAR EXTENSION, 20 QUEEN STREET, ARUNDEL

The Committee received a report from the meeting of the Post Site Inspection Panel held on 14th January 2003 and accepted its view that the proposal would have a detrimental affect on the amenities of the area. The Committee therefore did not accept the officer recommendation to approve the application and

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 proposed extension by reason of its size would detrimentally affect the amenities of the area. The proposal therefore conflicts with Policy DEV1 of the West Sussex Structure Plan Deposit Draft and Gen7 of the Arun District Local Plan.

735. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL
POST SITE INSPECTION PANEL – APPLICATION AB/142/03L –
LISTED BUILDING CONSENT FOR A 2 STOREY REAR
EXTENSION, 20 QUEEN STREET, ARUNDEL

The Committee received a report from the meeting of the Post Site Inspection Panel held on 14th January 2004, and

RESOLVED

That the officer's recommendation included at Appendix 1 to the report be accepted and that the development be granted Listed Building Consent.

736. REPORT OF THE MEETING OF THE DEVELOPMENT CONTROL POST SITE INSPECTION PANEL – APPLICATION LU/82/03 – DEMOLITION OF 5&7 HEARNFIELD ROAD AND THE CONSTRUCTION OF 27 DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DEPARTURE FROM THE DEVELOPMENT PLAN) – LAND BETWEEN HEARNFIELD ROAD AND COOMES WAY, LYMINSTER ROAD, WICK

The Committee received a report from the meeting of the Post Site Inspection Panel held on 14th January 2004 and accepted its view that too many units were proposed and that it was unacceptable that there was no provision for play facilities. The Committee therefore did not accept the officer recommendation to approve the application and

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 reasons :-

The development of this site by the erection of 27 units of accommodation would constitute an undesirable intensification of residential development and an overdevelopment of the site in conflict with Policies G1, G5 and B1 of the West Sussex Structure Plan, DEV1, NE2 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.

The proposed development fails to provide on-site open space and child play facilities contrary to Policy GEN20 of the Arun District Local Plan.

The proposed footpath/cycleway would result in a loss of residential amenities to the occupier of No. 84 Lyminster Road contrary to Policy GEN7 of the Arun District Local Plan.

737. PLANNING APPEALS

The Committee noted 17 new appeals that had been lodged and 2 appeals that had been heard.

Development Control Committee
- 14.01.04.

738. PLANNING APPLICATIONS

AL/108/03 & BE/110/03 – Proposed variation of Condition 3 of AL/15/01 & BE/13/01 to extend the permitted hours of working until 4.30 pm on Saturdays either preceding or following each bank holiday in respect of the delivery of household and civic amenity waste. (This application will be determined by WSCC)(Dual Parish application), Lidsey Landfill Site, Lidsey Road, Aldingbourne Having received a report on the matter, the Committee

RESOLVED

That no objection be raised to the application.

AW/271/03/T – Reduction of one English Oak Tree, 5 The Drive, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/272/03/T – Felling and surgery to various trees within the Aldwick Bay Estate, Regis Avenue, Manor Way, The Ridings, Tithe Barn Close, West Drive and Hunters Close, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/273/03/T – 15% reduction by lopping and topping of 4 Sycamore Trees, 5 Woodstock Gardens, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/286/03/T – Thin crown by 20% of one Oak Tree, 9 Langley Grove, Rose Green, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/289/03 – Carport extension and extension of verandah roof, 206 Manor Way, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/292/03/T – Application for the lopping and topping of one Sycamore Tree, 9 Hornbeam Close, Aldwick Close, Aldwick Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/295/03/T – Application to lop one Sycamore Tree, 7 High Trees, Aldwick Having received a report on the matter, together with the officer's written report update detailing an objection from Aldwick Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/17/03 – Detailed planning application for 24 dwellings, Dane Acre Nursery, Roundstone Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing additional information and a representation from Angmering Parish Council, the Committee was further advised by the Planning Control Manager that although a contribution towards community facilities had been requested, this could not be insisted upon. The applicants had stated that they would go to appeal and Members were warned that should this happen, the Local Planning Authority could lose control of the conditions that had been set with this application. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

A/132/03 – Porch, 4 Lansdowne Way, Angmering Having received a report on the matter, the Committee

RESOLVED

The application be approved as detailed in the report.

Development Control Committee
- 14.01.04.

A/139/03 – Erection of two detached dwellings with associated garages in grounds of Appletrees and new access road to the south, Appletrees, Mill Lane, Angmering Having received a report on the matter, the Committee was of the view that an assessment of the potential impact of the development on the character and amenities of the area and the trees on the site should take place and therefore

RESOLVED

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

A/154/03 – Extension at front to enlarge lounge and provide entrance hall, 15 Water Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing an additional representation received and a verbal correction that the proposal would have a maximum height of 3.8m rather than 1.8m as detailed in the report, the Committee

RESOLVED

That the application be approved as detailed in the report.

AB/192/03 – Roof gable extension for an additional bedroom and retrospective application for existing rear conservatory, 31 Fitzalan Road, Arundel Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BN/37/03 – Proposed repositioning of replacement house (following Consent No. BN/23/03) Having received a report on the matter, together with the officer's written report update detailing an additional representation from Barnham Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

BE/4/03 – Erection of freestanding restaurant and ancillary works in car park of existing retail park, Car Park, Arun Retail Park, Shripney Road, Bognor Regis Having received a report on the matter, concerns were expressed about the junction onto the A29 and the Principal Planning Officer advised that road improvements had been agreed between the applicant and the County Surveyor and that a legal agreement would be entered into between these two parties. The view was also expressed that a litter condition should be added to the conditions detailed in the report and, following consideration, the Committee

RESOLVED

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

“Before the use is first commenced, provision shall be made at the premises for the collection of customer waste in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

Reason : In the interests of the amenities of the locality in accordance with Policy G1 of the West Sussex Structure Plan, DEV1 of the West Sussex Structure Plan Deposit Draft and GEN7 of the Arun District Local Plan.”

BE/109/03 – Two storey side extension, Richmond Lodge, Shripney Road, Bognor Regis 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.

BR/321/03 – Demolition of existing garage/builders yard. Erection of 6 No. houses and car parking, 14a and 14b Scott Street, Bognor Regis Having received a report on the matter, together with the officer’s written report update detailing amendments to the conditions, substitute/amended plans, late negotiations and late considerations, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control Committee
- 14.01.04.

BR/324/03 – Demolition of existing building and erection of 10 x one bed flats to include change of use of office to flat at first floor level, North corner of Lennox Street and Belmont Street, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/339/03 – Erection of satellite dish and amateur radio/transmitter receiving antenna and mast, Flat 5 Marine Court, 4 Marine Drive West, Bognor Regis Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

BR/340/03 – Change of use from residential care home to student accommodation incorporating two storey extension of kitchen and bedroom en-suite, 114 Victoria Drive, Bognor Regis Having received a report on the matter, together with the officer's written report update detailing a consultation response from Environment Health, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/73/03 – Conversion of workshop and part of garage to be used as bedsit accommodation as part of 130 Barnham Road, not as a separate dwelling, 130 Barnham Road, Barnham Having received a report on the matter, together with the officer's verbal correction that the Parish Council referred to should be Eastergate rather than Barnham, the Committee

RESOLVED

That the application be approved, as detailed in the report.

EG/79/03 – Replacement dwelling, Hunters Chase, Fontwell Avenue, Eastergate Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

EG/80/03 – Application under Regulation 3 of the Town & Country Planning Act for the construction of four court macadam surfaced multi use games area (MUGA), complete with 2.7m high perimeter fencing and the provision of ten 8m high floodlights. (This application will be determined by the West Sussex County Council), St Philip Howard Catholic School, Elm Grove South, Barnham Having received a report on the matter, together with the officer's written report update detailing an additional representation received, Members felt that the hours of operation for the floodlights should be amended in Condition 1 from 0800 to 2100 (not 2200 as detailed in the report) and that the Informative should be amended to Condition 2, with the reason being the same as for Condition 1. It was further agreed that the reason for both conditions should be slightly amended to include Policy GEN33 after GEN7 of the Arun District Local Plan and that this Policy should be included as a matter of course for all future applications where light pollution might be an issue. Officers were also requested when writing to the County Council informing it that this authority had no objection, subject to the two conditions, to ask that the County Council take into account any emerging guidance on floodlighting and light pollution that might be produced by any of the various appropriate bodies. The Committee then

RESOLVED

That no objection be raised to the application, subject to the amendments to the conditions, as detailed above.

FP/217/03 – Proposed re-building of 1st and 2nd floor to provide 1x4 bedroom maisonette, 2x2 bedroom and 4x1 bedroom flats (resubmission following application FP/95/03), 2 Berewecke Road and 5a Blakes Road, Felpham Having received a report on the matter, Members felt that a site visit would be beneficial to assess the potential impact of the development on the character and amenities of the area. The Committee therefore

RESOLVED

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

FP/224/03 – Detached bungalow, land at 1 Somerton Green, Felpham Having received a report on the matter, together with the officer's written report update detailing additional representations received, Members were reminded that this application had been deferred from the previous meeting in order to obtain further information, which was included in the report. In considering the matter, a request was made that a site visit should take place but this was withdrawn as the majority view was that the proposed development was out of character with the area and too big for the plot. The

Development Control Committee
- 14.01.04.

Committee therefore did not accept the officer recommendation to approve the application and

RESOLVED

That the application be refused for the following reason :-

“The site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to Policies G1, G5, B1 and 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.”

FG/162/03 – Detached garage, 54 Ocean Drive, Ferring Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FG/165/03 – Replacement of existing dwelling with 2 No semi-detached dwellings, 36 Langbury Lane, Ferring Having received a report on the matter, together with the officer's written report update detailing additional representations received, a view was expressed that an assessment of the proposal was required to ascertain whether this might be out of character with the area and an overdevelopment of the site. The Committee therefore

RESOLVED

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

F/22/03 – Change of use of existing farm buildings to B1/B8 use, Wicks Farm, Ford Lane, Ford Having received a report on the matter, the Committee

RESOLVED

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

Reason for Condition 2 : addition of GEN33 after GEN7 OF the Arun District Local Plan; and

Condition 4 to read “The premises shall be used for B1(c) and B8 only **and** for no other purpose.....”

LU/273/03 – Conversion of premises to 4 No. flats (re-submission following planning application LU/166/02), 4 St Augustine Road, Littlehampton Having received a report on the matter, Members were reminded that this application had been deferred from the meeting in October and had been revised from 5x1 bed units to 3x1 bed and 1x2 bed flats. Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/413/03 – Redevelopment of site to provide 4 town houses and ancillary car parking and landscaping (Resubmission of LU/96/03), Site of the Britannia PH, Pier Road, Littlehampton Having received a report on the matter, together with the officer’s written report update detailing additional representations received, the view was expressed that this development was too high a density and would not enhance the area. Following consideration, the Committee did not accept the officer recommendation to approve the application.

The Chairman then called an adjournment to the meeting to enable officers to formulate a reason for refusal based on the debate.

On recommencement of the meeting the Committee agreed to the reason for refusal read out by the Principal Planning Officer and

Development Control Committee
- 14.01.04.

RESOLVED

That the application be refused for the following reason :-

“The site by virtue of its size and shape, is considered unsuitable to accommodate four dwellings and a private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to Policies G1, G5, B1 and 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.”

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

LU/421/03 – White PVCu double glazed Edwardian conservatory, 42 Cornwall Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing no objection from Littlehampton Town Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

M/113/03 – Brick boundary wall and gates, 5 West Close, Middleton on Sea Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

P/112/03 – Garage and shed, 26 Edwen Close, Pagham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

R/175/03 – Erection of 46 two bedroom apartments with associated landscaping, access and parking following demolition of existing dwellings, 2-6 Harsfold Close, Little Peck, 30 and 32 Hawley Road, 38 Harsfold Road, Rustington Having received a report on the matter, together with the officer's written report update detailing consultation responses; additional representations received; and an amended condition, the Committee

RESOLVED

That the application be approved as detailed in the report.

The Chairman then called a 10 minute adjournment to the meeting.

739. ENFORCEMENT MATTERS

CIC/M/22/03 – Unauthorised erection of a building to provide 5 No. flats, Manor Farm Hotel, Elmer Road, Middleton Having received a report on the matter circulated separately from the Agenda, the Committee

RESOLVED

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

CIC/LU/33/03 – Unauthorised erection of 1.3 metre fence adjacent to the highway, 19 Fullers Walk, Lyminster, West Sussex Having received a report on the matter, the Committee

RESOLVED

That no further action be taken, but the owner be advised that the development does not have the benefit of planning permission. This fact will be revealed on CON/29/A when a Local Land Charges Search is undertaken.

740. REVIEW OF SCHEME OF DELEGATION

Prior to consideration of this matter and with the agreement of the Committee, Councillor Dendle made a representation on behalf of Arundel Town Council to request that this item be deferred to enable the Town and Parish Councils to have sufficient time to prepare a properly considered response.

Development Control Committee
- 14.01.04.

Responses from some of the Parish Councils were circulated at the meeting.

As the next meeting of Full Council was scheduled for 18th February 2004, to which this matter had to be recommended, and the next meeting of the Committee was on 11th February 2004, it was agreed to defer the item to ensure responses to the consultation could be given proper weight during the debate. The Committee therefore

RESOLVED

That this item be deferred to the next meeting.

741. EXEMPT INFORMATION

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.

742. TELECOMMUNICATIONS MASTS – PROHIBITORY COURT PROCEEDINGS (Exempt – Paragraph 12(b) – Legal Proceedings By or Against the Authority)

(Prior to consideration of this item, Councillors Biss and Butler declared their personal interest and left the meeting and did not vote.)

The Committee received a report from the Assistant Lawyer which outlined the action that was proposed to prevent telecommunications masts being erected without planning permission in the Arun District. This was verbally updated at the meeting as the situation was constantly changing.

Members were advised that Airwaves had stated that they would give an undertaking that the Company would not be erecting any masts without planning permission and that this would not compromise the Council's position in respect of any legal proceedings that might have to be taken in the future. As a result, the action to be taken by the Chief Executive as detailed in the report had not been taken.

The Chairman thanked the Assistant Lawyer for her valued input on this matter and the Committee then

RESOLVED

That the continuance of further commencement of injunction proceedings be authorised against Airwaves, as considered appropriate and necessary by the Solicitor to the Council.

(The meeting concluded at 8.10 pm)