

DEVELOPMENT CONTROL (SOUTH) COMMITTEE
20th DECEMBER 2011

Present: Councillors: David Jenkins (Chairman), Sheila Matthews (Vice-Chairman), Roger Arthur, Adam Breacher, Jonathan Chowen, David Coldwell, Ray Dawe, Brian Donnelly, Jim Goddard, Ian Howard, Liz Kitchen, Chris Mason, Brian O'Connell, Roger Paterson, Sue Rogers, Kate Rowbottom, Jim Sanson

Apologies: Councillors: Philip Circus, George Cockman, Andrew Dunlop, Gordon Lindsay

DCS/121 **MINUTES**

The minutes of the meeting of the Committee held on 15th November 2011 were approved as a correct record and signed by the Chairman.

DCS/122 **INTERESTS OF MEMBERS**

<u>Member</u>	<u>Item</u>	<u>Nature of Interest</u>
Councillor Sheila Matthews	DC/11/1250	Personal - she knew one of the objectors.
Councillor Jim Goddard	DC/11/1746	Personal - he knew the applicant.

DCS/123 **ANNOUNCEMENTS**

There were no announcements.

DCS/124 **APPEALS**

Appeals Lodged

Written Representations/Household Appeals Service

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>
DC/11/1386	The Cottage, Highfield, Stane Street, Codmore Hill, Pulborough.	Mr John Holmes
DC/11/1296	21 Penn Gardens, Ashington.	Mr Brian Haulkham
DC/11/1328	Old Oaks, Spinney Lane, West Chiltington.	Mr Dudley Broster
DC/11/0111	Land South of Venters, Storrington Road, Thakeham.	Croudace Homes Ltd

DCS/124 Appeals (cont.)

Appeal Decisions

<u>Ref No</u>	<u>Site</u>	<u>Appellant(s)</u>	<u>Decision</u>
DC/11/0963	Keys, Mill Lane, Partridge Green, Horsham.	Mr and Mrs Burrows	Allowed
DC/11/1500	The White Lodge, Sunset Lane, West Chiltington.	Jane and Phil Andrews	Allowed

DCS/125 **DECISIONS ON LAWFUL DEVELOPMENT CERTIFICATES**

DC/11/1407	Homefield, Stane Street, Billingshurst - for the occupation of the property in non-compliance with an Agricultural Occupancy condition attached to the property.	Granted
DC/11/2098	Woodyard, Knepp Castle Estate, Coolham Road, Shipley - for the use of the land as a woodyard.	Granted
DC/11/2109	Brookdale Farm, West Chiltington Lane, Broadford Bridge, Billingshurst – for the erection of a building and its residential use.	Granted
DC/11/2244	Four Oaks, Parkfield Farm, Glaseby Lane, Washington – for the stationing of a mobile home on the land that is used for residential purposes.	Granted

DCS/126 **PLANNING APPLICATION: DC/11/2028 - PROPOSED ERECTION OF 5 HOUSES**

SITE: CASTLE VIEW REST HOME, THE STREET, BRAMBER

APPLICANT: MR M WILSON (FIZZLE LTD)

The Head of Planning & Environmental Services reported that this application sought planning permission for the erection of five houses. Three of the proposed dwellings would measure 4.9 metres wide by 14 metres deep with a ridge height of 8.4 metres and the other two would measure 4.9 metres wide by 12 metres deep with a ridge height of 8.4 metres.

The proposed site was within the built up area of Bramber and in the Bramber Conservation Area.

Government Policies PPS1, PPS3 and PPS5; Local Development Framework Core Strategy Policies CP1, CP2, CP3, CP5, CP12 and CP13 and Local Development Framework General Development Control Policies DC9, DC12 and DC40 were relevant to the determination of this application.

DCS/126 Planning Application: DC/11/2028 (cont.)

Relevant planning history included:

DC/11/0958	Proposed five houses at Castle View further to extant permission DC/10/0441.	Refused
DC/10/0441	Demolition and rebuild of existing care home as 8 x 2 bed apartments,	Granted
DC/10/0442	Demolition of Care Home (Conservation Area).	Granted
DC/08/2340	Amendment to previously approved application DC/07/2671 for demolition and rebuild of existing residential care home (Conservation Area Consent).	Granted
DC/08/2339	Amendment to previously approved application DC/07/2670 for demolition and rebuild of existing residential care home with an additional 1.5 metre ground floor rear extension to provide an additional bedroom.	Granted
DC/07/2671	Demolition of rebuild of existing residential care home (Conservation Area Consent).	Granted
DC/07/2670	Demolition and rebuild of existing residential care home.	Granted

The Design & Conservation Officer, Strategic & Community Planning, the County Council's Ecologist and the Highways Department raised no objection and their comments were noted. The comments of English Heritage and the Environment Agency were noted. The Parish Council objected to the proposal and three letters of objection had been received. The applicant's agent and two members of the public spoke in support of the proposal and a representative from the Parish Council spoke in objection to the application.

The main issues in the determination of this application were considered to be the principle of the development, the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area and conservation area.

Six car parking spaces were proposed on the current application, one for each house plus an additional parking space. Members considered that this was not adequate for five four-bedroomed houses and, as parking in The Street was limited, especially in the evenings when the local restaurants and hotel were busy, there would be insufficient space to accommodate the parking demand for five new dwellings. However, the highway authority had indicated that it considered that there was sufficient space to accommodate the parking demand for the new dwellings and, therefore, there were insufficient grounds to justify refusal in this respect.

DCS/126 Planning Application: DC/11/2028 (cont.)

The proposed terraces were large in size and, in total, would be wider than the approved scheme (DC/10/0441). It was, therefore, considered that the proposal would result in the over-development of the site which would be detrimental to the street-scene and Members considered that the proposal was unacceptable.

RESOLVED

That application DC/11/2028 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, to seek a reduction to four dwellings. The preliminary view of the Committee was that the application should be refused unless the scheme was suitably altered.

DCS/127 **PLANNING APPLICATION: DC/11/2124 - DEMOLITION OF EXISTING DWELLING AT 23 KITHURST PARK AND CONSTRUCTION OF A REPLACEMENT DWELLING AND ASSOCIATED LANDSCAPING WORKS**
SITE: TREVELLAN, KITHURST PARK, STORRINGTON
APPLICANT: MRS B HODGSON

The Head of Planning & Environmental Services reported that this application sought planning permission for the demolition of the existing dwelling at 23 Kithurst Park and construction of a replacement dwelling and associated landscaping works. The replacement dwelling would measure 18.4 metres wide by 8.7 metres deep, with a ridge height of 7.8 metres. The rear conservatory would measure 3.4 metres by 4 metres, with a ridge height of 4.6 metres.

The site was proposed to be split up with the replacement dwelling having a triangular rear garden measuring 14 – 21 metres deep by approximately 34 metres wide. The rest of the rear garden was likely to be subject to another planning application in the future, which would seek development of the site for further housing.

The main differences between the current proposal and the previous application (DC/11/1388) were that the south eastern roof gable had been hipped in order to reduce the impact on No. 22 Kithurst Park; the ridge height had been reduced from 8 metres to 7.8 metres and the dwelling had been moved slightly to the north west, giving between 4 – 8 metres gap to the south east side boundary of the site. The dwelling would be sited 2 metres further back than the current dwelling.

The driveway for the replacement dwelling and the potential access through the site would be narrower at 4.5 metres wide compared to the double driveway opening proposed in the previous applications which measured 12 metres wide. This would result in the removal of less hedging to the front boundary than the previous scheme.

DCS/127 Planning Application: DC/11/2124 (cont.)

The site was located within the built up area of Storrington on the southern side of Kithurst Park. The site currently consisted of a large detached two storey house with attached double length garage to the side and a rear garden in excess of 100 metres by 37 metres. The southern boundary of the site adjoined the South Downs National Park and open countryside, with the South Downs beyond.

Government Policies PPS1 and PPS3; Local Development Framework Core Strategy Policies CP1, CP3, CP5, CP12 and CP13, and Local Development Framework General Development Control Policies DC9 and DC40; the South Downs Management Plan 2008-2013 and South Downs Planning Guidelines 2008 were relevant to the determination of this application.

Relevant planning history included:

DC/11/1388	Demolition of the existing dwelling at 23 Kithurst Park and construction of a replacement dwelling and associated landscaping works.	Refused
DC/11/1387	Construction 4 No. dwellings and associated landscaping works on land to the west of Trevellan, 23 Kithurst Park.	Refused
SR/26/77	Construction of a detached 3 bedroom bungalow and a double length garage.	Granted
SR/30/73	Demolition of the existing bungalow and erection of a 4 bed detached dwelling.	Granted
SR/24/73	Application for 3 building plots.	Refused

West Sussex Highway Authority raised no objections and their comments were noted. The comments of Southern Water and Natural England were noted. The Parish Council objected to the proposal and 18 letters of objection had been received. A letter of comment had been received from the applicant's agent. Two members of the public spoke in objection to the proposal.

The main issues in the determination of this application were considered to be the principle of the development, the effect of the development on the amenity of nearby occupiers and the visual amenities and character of the area.

It was acknowledged that many of the objections to the proposed scheme raised concerns that this application would facilitate a new access for potential applications to develop the rest of the existing plot. However, the current application had to be assessed on its own merits and any decision on this application would not act as a precedent for the development of the remaining site for housing purposes.

It was considered that the current proposal would not have a material effect on the character of the National Park; that the proposed replacement dwelling would not be disproportionate to the size of the existing dwelling on site; and that it

DCS/127 Planning Application: DC/11/2124 (cont.)

would not be out of keeping with the character and pattern of the local area. The proposal allowed sufficient gaps to the boundaries with neighbouring dwellings and would not give rise to a greater degree of overlooking than the current situation on site.

Members, therefore, considered that the application was acceptable subject to the applicant being advised that the access was only considered acceptable to serve a single dwelling.

RESOLVED

That application DC/11/2124 be granted subject to the following conditions:

- | | | |
|----|-----|---|
| 01 | A2 | Full Permission |
| 02 | M1 | Approval of Materials |
| 03 | D5 | No windows |
| 04 | E3 | Fencing |
| 05 | L1 | Hard & Soft Landscaping |
| 06 | O1 | Hours of Working |
| 07 | O2 | Burning Of materials |
| 08 | H10 | Cycling Provision |
| 09 | J10 | Removal of permitted development – dwellings
“Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A, B, C, D, E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage of the dwelling hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling(s) unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.” |
| 10 | H4 | On Site Parking |
| 11 | | Before development commences detailed cross sections from east to west and north to south through the site showing the finished floor levels of the dwelling in relation to the existing levels within the site shall be submitted to and approved in writing by the Local Planning Authority. |
| 12 | | Prior to the commencement of development which may affect bats or their breeding sites or resting places, a |

DCS/127 Planning Application: DC/11/2124 (cont.)

detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

REASONS

IDP1 The proposal is consistent with the provisions of the development plan.

ICAB2 The proposal does not materially affect the amenities of neighbouring occupiers or the character of the area.

DCS/128 **PLANNING APPLICATION: DC/11/2078 - SINGLE STOREY EXTENSION TO EXISTING HOUSE**
SITE: TEDFOLD HOUSE, TEDFOLD STUD FARM, ROWNER ROAD, BILLINGSHURST
APPLICANT: MRS INGRID DUNCAN

The Head of Planning & Environmental Services reported that this application sought planning permission for the construction of a single storey extension to the eastern side of the semi detached two storey dwelling. The proposed extension would measure 16.5 metres long, with a maximum width of 12.6 metres, a maximum height of 5.6 metres and a clock tower design feature at a height of 1.9 metres.

The property was located in a countryside setting outside the village settlement of Billingshurst. Dwellings within the area were varied in size.

Government Policy PPS1; Local Development Framework Core Strategy Policy CP3; and Local Development Framework General Development Control Policies DC9 and DC28 were relevant to the determination of this application.

In 2007, an application for the construction of a single storey extension to the existing house had been granted (DC/07/2753).

The Parish Council raised no objection to the proposal. One letter of objection and one letter of comment had been received.

The main issues in the determination of this application were considered to be the effect of the development on the character of the existing dwelling and impact on the surrounding countryside setting.

The application was a resubmission of a previously approved application (DC/07/2753). Although there had been a lapse of time from the date the

DCS/128 Planning Application: DC/11/2078 (cont.)

permission ran out to the date of resubmission, the current proposal was identical to the original scheme.

The existing dwelling had a gross external floor area of approx 226m² and the proposed extension would add a further 120m², which represented an increase in floor area of 53 per cent. However, it was considered the scale, bulk and design of the proposal would be subservient to the dwelling and would be adequately

stepped away from the shared boundary so as not to cause a long term impact on the amenity of the neighbouring dwelling.

Members, therefore, considered that the application was acceptable.

RESOLVED

That application DC/11/2078 be granted subject to the following conditions:

01	A2	Full Permission
02	M1	Approval of Materials

REASONS

IDP1 The proposal is consistent with the provisions of the Development Plan.

ICAB2 The proposal does not materially affect the amenities of the amenities of the neighbouring occupiers or character and visual amenities of the locality.

DCS/129 **PLANNING APPLICATION: DC/11/2066 - DEMOLITION OF EXISTING OUT BUILDING TO BE REPLACED WITH NEW SINGLE STOREY LAUNDRY**
SITE: EASTRIDGE MANOR NURSING HOME, WINEHAM LANE, BOLNEY
APPLICANT: SOUTH COAST NURSING HOME LTD

The Head of Planning & Environmental Services reported that this application sought planning permission for the demolition of an existing dilapidated building and erection of a laundry room in its place. The laundry room would measure 4.6 metres by 6.5 metres, with a maximum height of 4.5 metres. The proposed building would sit on almost the same footprint as the existing building, although it would extend slightly further to the west.

The application site was located outside the built up area in a rural location to the west of Wineham Lane and was currently used as a nursing home. To the south, west and east of the site there were open fields with hedges and trees marking the boundaries and providing additional screening. To the west of the application site was located the neighbouring property 'Oakfield Farm'.

DCS/129 Planning Application: DC/11/2066 (cont.)

Government Policies PPS1 and PPS7; Local Development Framework Core Strategy Policies CP1 and CP3 and Local Development Framework General Development Control Policies DC1, DC2 and DC9 were relevant to the determination of this application.

Relevant planning history included:

CF/37/03	Planning permission for a two storey extension to provide day care facilities, 7 bedrooms and 4 staff bedrooms.	Granted
DC/06/2825	Planning application for a two storey linked extension to form 22 bedrooms, bathrooms, dining area, lounge and kitchen.	Withdrawn
DC/07/1202	Planning permission for a single storey linked detached annexe extension with 2 x dormer windows to form 16 bedrooms, bathrooms, dining area, lounge and separate kitchen extension.	Granted

The comments of Environmental Health were noted. The Arboricultural Officer raised no objections and his comments were noted. The Parish Council raised no objections to the proposal. One letter of objection had been received and a member of the public spoke in objection to the proposal.

In terms of the impact on neighbouring properties, whilst it was acknowledged that there would be some impact visually, it was considered that the increase in size of the building would not have a significant impact on the amenity of the occupiers of neighbouring properties. However, concerns were raised relating to the hours of working and noise levels.

It was considered that the proposed building was relatively modest in size and had been designed as a functional building for use as a laundry. The proposed structure would be sited where an existing building was currently located and its simple design would be in keeping with the nursing home as a whole.

Members, therefore, considered that the application was acceptable in principle.

RESOLVED

That application DC/11/2066 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, to consider additional conditions relating to hours of working and noise prevention. The preliminary view of the Committee was that the application should be granted.

DCS/130 **PLANNING APPLICATION: DC/11/2131 - RETENTION OF TEMPORARY STORAGE UNIT TO REAR OF EXISTING BUILDING WITH TIMBER FENCE**
SITE: PETROL FILLING STATION, HORSHAM ROAD, FIVE OAKS
APPLICANT: STUDIO 5 ARCHITECTS LTD

The Head of Planning & Environmental Services reported that this application sought planning permission for the retention of a temporary storage unit to the rear/northern elevation of the existing building, with a 2.7 metres high feather edge timber close boarded fence finished with 0.4 metre of barbed wire.

The building was required to provide storage lost within the store from the development of disabled toilets and was a short term option for two years initially, until such time as long term options could be considered.

The property was located directly opposite the entrance to Hayes Wood on the Horsham Road, Five Oaks and comprised an existing service building, a petrol station canopy and parking to the rear.

Government Policy PPS1; Local Development Framework Core Strategy Policy CP3 and Local Development Framework General Development Control Policy DC9 were relevant to the determination of this application.

There was no relevant planning history.

The Parish Council raised no objection to the application. One letter raising concerns had been received.

The main issues in the determination of this application were considered to be the effect of the development on the character of the surrounding area and its visual impact upon the street scene setting.

Although the design and finish of the domestic timber fence panels shielding the storage container appeared to be unusual, given the commercial nature of the site, due to the temporary nature of the development, it was not considered the proposal would detract from the semi urban character of the site nor would it detract from the street scene setting.

The retention of the unit for a 2 year period was considered to be acceptable, provided that the applicant would be actively monitoring the use of the facility and considering a more permanent solution.

Members, therefore, considered that the application was acceptable.

RESOLVED

That application DC/11/2131 be granted subject to the following conditions:

- | | | |
|----|----|---|
| 01 | A3 | Temporary Permission (building) (9/12/13) |
| 02 | M5 | Timber and Wall Treatment |

DCS/130 Planning Application: DC/11/2131 (cont.)

REASONS

- IDP1 The proposal is consistent with the provisions of the Development Plan.
- ICAB2 The proposal does not materially affect the amenities of the amenities of the neighbouring occupiers or character and visual amenities of the locality

DCS/131 **PLANNING APPLICATION: DC/11/0751 - COLD STORE FACILITY TO STORE APPROXIMATELY 50 - 60 CARCASSES PER WEEK, INSTALLATION OF AN EMERGENCY SUPER SILENT GENERATOR, TOILET, CHANGING AREA AND 2 NO. DEEP FREEZES**
SITE: DOWNSVIEW FARM, CLAY LANE, COOTHAM
APPLICANT: MR RICHARD SCOTT

The Head of Planning & Environmental Services reported that this application had first been reported to the Committee on 19th July 2011, when it had been resolved to delegate the application for approval, in consultation with the local Members, to clarify the power supply to the development and the use of the generator. Subsequently, information regarding the power supply and use of the generator had been received from the applicant and sent to the local Members. It was, therefore, considered that these issues had been resolved satisfactorily.

However, since the Committee meeting, a pre-action protocol letter had been received from a solicitor representing a local resident, seeking to take a judicial review of the Council's decision to grant permission. The judicial review process was considered premature as the application in question had not been finally determined. However, the main points of challenge were:

- 1) The failure to comply with the Environmental Impact Assessment (EIA) Directive 85/337/EEC
- 2) Planning Conditions permitting change of use
- 3) The need to act as agent for the National Park.

A letter dated 3rd August 2011 had been sent to the solicitor for the complainant addressing these issues. A further letter, dated 14th September 2011, was received from the complainant's solicitor. A letter dated 15th November 2011 was then received from the Secretary of State for Communities and Local Government, which stated that: "given the comprehensive nature of this Screening Opinion, the issues raised do not call into question the validity of the planning authority's assessment that an EIA is not required and the Secretary of State for Communities and Local Government therefore declines to issue a screening direction in this case." It was considered that this satisfactorily addressed the first part of the challenge.

With regard to the second point, the application site was located outside the boundary of the South Downs National Park. Planning permission was not

DCS/131 Planning Application: DC/11/0751 (cont.)

required for its use as a pig farm as its existing use was for agricultural purposes, therefore there had been no change of use. The current application was for a building of 88 square metres on a part of a site that measures 20.2 hectares in total. As such, a very small part of the land was affected by this building. The only land affected by the after use condition was that part of the land where the building was situated. The after use of the rest of the land was unaffected. The building would be located on an area of hardstanding, and so its removal would be unlikely to require remedial works of a nature that would materially affect the character and appearance of the area.

Circular 11/95 stated that where permission would not normally be granted, there could be strong personal or compassionate reasons which would justify a condition restricting benefit to a named individual. It was accepted that in practice personal conditions were often applied to small scale businesses in residential or rural areas. In this case, therefore, it was perfectly acceptable to impose a personal condition.

With regard to the third point, the South Downs National Park had discharged the planning services duty to this Council, and as such this Council acted as agent for the National Park. The relevant planning policies referred to in the protocol were: the Local Development Framework Core Strategy (adopted February 2007), the Site Specific Allocations of Land 2007, the Local Development Framework, General Development Control Policies Document (December 2007), the Adopted Village and Parish Design statements, Parish Plans and Planning Obligations Planning Document 2007. The relevant policies had been applied in this case.

A further letter dated 19th December had been received from the solicitor representing a local resident, stating that, if the Council granted permission, in his view it would be unlawful and subject to review. The letter was before the Members of the Committee when the item was considered.

The applicant spoke in support of the application.

It was considered that the Council had acted properly with regard to its obligations as Agent to the South Downs National Park and in accordance with the agreement between the parties.

Therefore, it was considered that the proposal would still accord with Policy DC1 of the General Development Control Policies 2007 and Policy CP15 of the Core Strategy 2007. The proposed building was fairly small in scale with a low level roof and it would be sited on land at a lower level to the surrounding fields, reducing its visual impact on the area. The Screening Opinion had also concluded that, whilst there were some potential environmental impacts arising from the farming operation, these were not considered likely to give rise to significant detrimental environmental effects by virtue of their size, nature or

DCS/131 Planning Application: DC/11/0751 (cont.)

location. The Secretary of State for Communities and Local Government had also concluded that given the comprehensive nature of this Screening Opinion, the issues raised did not call into question the validity of the planning authority's assessment that an EIA was not required and had, therefore, declined to issue a screening direction in this case.

Members, therefore, considered that the application was acceptable.

RESOLVED

That application DC/11/0751 be granted subject to the following conditions:

- 01 A2 Full Permission
- 02 J5 Personal Limitation 'The use (Cold store facility to store approximately 50 - 60 carcasses per week, installation of an emergency super silent generator, toilet, changing area and 2 No. deep freezes by Scott - Free Range) hereby permitted shall be carried on by Mr R Scott (Scott Free Range) only and shall be for the period during which the premises are occupied by Mr R Scott Only.'
- 03 In the event of the building hereby permitted ceasing to be utilised /occupied in connection with the pig / sheep business at Downsview Farm, it shall be removed from the site and the land shall be restored to a condition which has previously been agreed in writing by the Local Planning Authority.
- 04 M1 Approval of Materials
- 05 L1 Hard & Soft Landscaping
- 06 D6 Finished Floor Levels
- 07 O2 Burning of Materials
- 08 O1 Hours of Working

REASONS

- IDP1 The proposal is consistent with the provisions of the development plan.

DCS/132 **PLANNING APPLICATION: DC/11/1250 - PROPOSED NEW BUILDING INCORPORATING SHOP, COFFEE SHOP, KITCHEN, STORE, OFFICE AND WCs**
SITE: BIRCHFIELD NURSERY, KIDDERS LANE, HENFIELD, WEST SUSSEX
APPLICANT: MR ROBERT DUNCKLEY
(Councillor Sheila Matthews declared a personal interest in this application as she knew one of the objectors).

The Head of Planning & Environmental Services reported that this application sought planning permission for the erection of a building which would comprise a reception/library area, staff and toilet facilities, offices, coffee shop and restaurant, retail shop and storage area.

The building would be octagonal in shape with a hipped roof and central atrium. It would be constructed predominantly of timber and glass with a fully glazed roof. The building would have a gross external floor area of 694 square metres. The highest point of the roof would be just over 11 metres. The building would be located on the eastern boundary of the site and set back some 24 metres from the road frontage. Parking would take place within the boundaries of the site and a total of 27 car parking spaces would be provided.

Birchfield Nursery was sited in a countryside location on the western side of the A281, immediately south of its junction with Kidders Lane. Parking currently took place on a large grass verge to the front of the site entrance.

Government Policies PPS1, PPS6 and PPS7; Local Development Framework Core Strategy Policies CP1 and CP15 and Local Development Framework General Development Control Policies DC1, DC2, DC9, DC25 and DC38 were relevant to the determination of this application.

Relevant planning history included:

HF/53/92	Erection of 2 polythene tunnels, re-siting of water tank and installation of additional tank.	Granted
HF/54/93	Erection of polytunnels.	Granted
HF/66/96	Erection of polytunnels.	Granted
DC/06/1903	Erection of a glasshouse with adjoining propagation/potting shed.	Granted

The Head of Public Health & Licensing and the Council's Equalities Officer had no objection to the proposal subject to the imposition of conditions. The County Surveyor had objected to the plans as originally submitted but had withdrawn his objection following the submission of further information and plans. The Parish Council had no objection to the proposal and their comments were noted. One letter of comment and eleven letters of objection to the proposal had been received. The applicant's agent and two members of the public spoke in support of the proposal and two members of the public spoke in objection to the application.

DCS/132 Planning Application: DC/11/1250 (cont.)

It was considered that the main issues in the determination of the application were whether the principle of development was acceptable having regard to development plan policies and the effect of the development on the character of the area.

Birchfield Nursery was an established nursery business currently employing six full-time staff and two part-time staff. However, the existing staff and toilet facilities were considered inadequate with one portaloo to serve the staff and general public. Also there was no existing place to prepare or store food.

The application had also been submitted with a view to allowing the applicant to diversify by way of a retail area, coffee shop and restaurant, in order to ensure an all-year-round income.

It was proposed that the nursery would open between the hours of 0830 hours to 1730 hours on Mondays to Saturdays and 0900 hours to 1700 hours on Sundays and Bank Holidays. The shop would sell garden-essentials only including garden forks, rakes, seeds, bulbs, grass-seeds, fertilizers, sticks, baskets, pots, wall-ties and books of a gardening nature.

It was stated that the proposal would also be of community benefit and could be used as a meeting room for local community groups and societies. Furthermore, one of the objectives of the proposed development was to inspire and foster local interest in gardening and the information centre and reference library would serve to educate and help cement that interest.

Whilst it was acknowledged that the proposal was not small in scale, it was an innovative scheme in terms of design and appearance and was directly related to the operation of the nursery enterprise. It was anticipated that the proposed development would lead to the creation of an additional 15 jobs with the staff being employed in the offices, shop and café/restaurant. Such facilities were to be found in most garden centres and would enable the business to expand and contribute to the local economy in terms of job creation.

The proposed range of goods to be sold was considered to fall within the remit of products that were relevant to the operation of a garden centre business. In this respect, it was not considered that the proposal would damage the viability and vitality of neighbouring retailing village centres.

In terms of visual impact, the proposed building would be well screened from the highway, even during the winter months, given the level of screening provided by the mature trees and hedging along the site frontage. It was, therefore, considered that the proposal would not detract from the visual amenities of the surrounding area.

It was considered that the proposal would enable the applicant to diversify and expand his business without detriment to the viability of nearby village centres and the amenity of the surrounding countryside.

DCS/132 Planning Application: DC/11/1250 (cont.)

Members, therefore, considered that the application was acceptable, in principle.

RESOLVED

That application DC/11/1250 be determined by the Head of Planning & Environmental Services, in consultation with the local Members, to allow further consideration of possible overlooking of neighbouring residents and the type of goods to be sold on the site. The preliminary view of the Committee was that the application should be granted.

DCS/133 **PLANNING APPLICATION: DC/11/1746 - ERECTION OF HORSE STABLES TO REPLACE EXISTING CATTLE PEN.**

SITE: BRAMBER BROOKS, THE STREET, BRAMBER

APPLICANT: MR G MARSHALL

(Councillor Jim Goddard declared a personal interest in this application as he knew the applicant).

The Head of Planning & Environmental Services reported that this application sought planning permission for the erection of a detached single storey stable building comprising a hay barn, tack room and four stables. The proposed building would incorporate an 'L' shaped layout and be traditionally clad in timber cladding. The proposed stable building would be accessed via an existing crossover to the south of the site through a five bar gate onto The Street. The proposal would involve the construction of a chalk and planings track which would run alongside the existing public footpath to the east of the site.

The application site was located outside the built up area and comprised a grassed expanse of land situated behind a number of residential properties lining the northern side of The Street. The area of land to the west of the proposed stable building incorporated a Scheduled Ancient Monument comprising a group of Salterns and a moat which formerly fell within the grounds of Bramber Castle.

Government Policies PPS1 and PPS7; Local Development Framework Core Strategy Policies CP1 and CP3 and Local Development Framework General Development Control Policies DC1, DC2, DC7, DC9, DC10, DC29 and DC40 were relevant to the determination of this application.

In 1990, a planning application for stable buildings, equestrian storage and accommodation for a groom and family had been refused (BM/11/90) and this application had subsequently been dismissed on appeal.

The Council's Public Health & Licensing Department had no objection to the proposal subject to the imposition of conditions. The Environment Agency had no comments to make on this application. The comments of West Sussex County Council's Highways and Archaeology Departments were noted. English Heritage raised no objection and their comments were noted. The Parish Council had no

DCS/133 Planning Application: DC/11/1746 (cont.)

objection to the current proposal. Three letters of objection and one letter of representation had been received. The applicant spoke in support of the proposal and a member of the public spoke in objection to the application.

It was considered that the main issues in the determination of the application were the effect of the development on the countryside setting and the amenities of the occupiers of neighbouring properties.

Originally it had been proposed to build the stables on the site of the cattle pen enclosure in the south-eastern corner of the application site, which had raised concerns regarding public health implications as they would have been only nine metres from the boundaries of adjoining residential properties. The revised position of the stable building was now approximately 47 metres and 25 metres from the boundaries of the nearest neighbours, and Members considered that this would result in sporadic development in the countryside.

Members also expressed concerns regarding the suitability of the site to keep horses, as it was within the flood plain, and the increase in traffic generated by the proposed development, particularly with regard to the proximity of the access to neighbouring properties.

Members, therefore, considered that the application was unacceptable.

RESOLVED

That application DC/11/1746 be determined by the Head of Planning & Environmental Services, in consultation with the local Members and Cllr Sue Rogers, to allow reasons for refusal to be formulated. The preliminary view of the Committee was that the application should be refused.

DCS/134 **VARIATION OF SECTION 106 AGREEMENT (SEC 106/1559) TO ALLOW OCCUPATION OF A RESIDENTIAL PROPERTY BY A PERSON OF LESS THAN 60 YEARS OF AGE**

SITE: 5 CASTLE VIEW, CHURCH STREET, AMBERLEY

APPLICANT: MRS CAROLINE J HOLDER

The Head of Planning & Environmental Services reported that a request had been received seeking to vary Section 106 agreement 1559 which related to Castle View, Amberley. Castle View comprised a five unit development of retirement homes granted permission in 2008 and constructed the following year.

The relevant part of the agreement in question stated that at least one member of each household must be aged 60 years or over.

The request sought a temporary suspension of the clause requiring occupation

DCS/134 Variation of Section 106 Agreement Sec 106/1559 (cont.)

by at least one member of the household aged over 60 years. The reason given for the request was that since the applicant's acquisition of the property, she and her husband had separated and her husband would not be living at the property. The applicant was in her early 50s and her husband was in his early 60s.

In support of the request, it was further stated that while the planning agreement made provision for occupation of the property by an occupier aged less than 60 years where their partner aged 60 years and over had died, it did not make provision for the circumstances in which the applicant now found herself.

The Parish Council supported the proposal to vary the condition but did not wish it to become a precedent for future buyers.

It was considered that the main issue in the determination of the proposal was whether the occupancy of the dwelling by the applicant would conflict with development plan policies.

As the applicant was not over 60 years old and no longer lived in the property with someone of over 60 years, she did not comply with the requirements of the legal agreement. However, since the dwellings had been constructed they had not sold as quickly as it had been anticipated. Only one of the five units had been sold during the local marketing period to a couple with a local connection. The current applicant had purchased the property with her husband outside of the local marketing period.

A preliminary request had been made to the Council to remove the age clause altogether in July 2010 although this had not been formally followed up. At that time, local estate agents had stated that the age restriction clause had had a negative impact on the sale of the property to local people.

In light of this wider concern about the age restriction clause and the apparent lack of local interest in the properties when locally marketed, it was considered that a temporary suspension of the age restriction clause in respect of unit 5 could be supported having regard to the particular circumstances of the applicant. It was stressed that this would not remove the age restriction clause permanently for the dwelling nor at all for the other units.

RESOLVED

That the relevant clause of the legal agreement SEC106/1559 be varied to allow occupation of 5 Castle View by the current occupier on a temporary basis, to reflect the particular circumstances of the occupier

DCS/134 Variation of Section 106 Agreement Sec 106/1559 (cont.)

REASON

The temporary variation of the clause is not considered to depart from current policies to warrant a refusal of the current request.

The meeting closed at 4.13pm having commenced at 2.00pm.

CHAIRMAN