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Minutes of a meeting of the Adur Planning Committee 3 July 2023 at 6.30 pm

Councillor Carol Albury (Chair)
Councillor Joe Pannell (Vice-Chair)

Councillor Carol O'Neal
Councillor Vee Barton
Councillor Dan Flower
Councillor Jim Funnell

Councillor Gabe Crisp
Councillor Andy McGregor
*Councillor Jeremy Gardner

*Absent

Officers: Planning Service Manager, Principal Planning Officer, Senior Lawyer,
Lawyer and Democratic Services Officer

ADC-PC/8/23-24 Declarations of Interest

Councillor Carol Albury declared an interest in the first application on the agenda as Ward Councillor and informed the committee that Vice-Chair Councillor Jo Pannell would be chairing that application and that she would be leaving the room.

Councillor Carol Albury also declared that she was a friend of the agent for the fourth application on the agenda but they had not discussed the application and she was not predisposed in any way.

ADC-PC/9/23-24 Substitute Members

Councillor Lee Cowan substituted for Councillor Jeremy Gardner.

ADC-PC/10/23-24 Public Question Time

There were no Public Questions asked.

ADC-PC/11/23-24 Members Questions

There were no pre-submitted Members Questions.

ADC-PC/12/23-24 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on **5 June 2023** be confirmed as a correct record and that they be signed by the Chair.

ADC-PC/13/23-24 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

ADC-PC/14/23-24 Planning Applications

The planning applications were considered, see attached appendix.

ADC-PC/15/23-24 Planning Appeals

The Planning Service Manager presented the report on an appeal decision, clarifying which application the appeal pertained to. He explained that the application had been refused at Committee, the applicant had appealed and the Council had lost that appeal. The report showed how the Planning Inspector had ruled that the reasons given by the Committee for rejecting the application, were, in his opinion, not warranted.

Members asked the Officer if the appeal hearing was a public meeting and the Officer confirmed that it was. He explained that whilst the Council can be liable for costs when losing an appeal if their actions were deemed unreasonable by the Planning Inspector, that had not been the case in this appeal.

Members noted that approving an application, with conditions, gave the Committee more control over an application than rejecting it and the application being allowed on appeal, where conditions and any Section 106 contributions are decided by the Inspector.

The meeting ended at 9.01 pm

Application Number:	AWDM/0630/23	Recommendation - APPROVE
Site:	1 The Street, Lancing	
Proposal:	Change of use from groundsman's shed to workshop with storage area and quiet room for social, educational and recreational activities. Application to vary condition 4 (hours of opening) of approved AWDM/1877/21 to allow building to be used from 7.30am-4pm Monday-Friday and 8am-4pm Saturday, to enable preparation/set up in advance of use of building by members from 8.30am plus retention of outside toilet unit.	
Applicant:	Men In Sheds Lancing And Sompting	Ward: Manor
Agent:	Mr Frank King	
Case Officer:	Peter Barnett	

Councillor Carol Albury left the room for this application and Councillor Joe Pannell took the Chair.

The Principal Planning Officer presented the report redressing a typo within condition 3 in which the wording should have been 'There shall be **no** use of machinery.....'. He explained that the application was seeking to change the hours. The current permission was for 9am - 4pm Mon - Fri and that the applicant wished to be able to start earlier to set up the equipment for the service users. The hours he was seeking were a 7.30am start Mon - Fri and a 8am start on Saturdays. The Officer informed the members that the second aspect of the application was to retain the outside toilet on the site.

Members had questions for the Officer regarding -

- Why was the toilet not inside the building?
- Was there a parking restriction at the site that could be enforced?
- What facilities did the toilet contain and who could use them?

The Officer suggested that these would be better addressed by the applicants when they spoke, but explained that the site was council owned, had never been a public car park but had been informally used as such in the past.

There were three registered speakers giving representations in support of the application, one the Ward Councillor and two members of Men in Sheds.

They gave explanations addressing Members queries as follows -

- The toilet had to be external as there were no sewer lines serving the building.

- The toilets were purpose built, brand new, anti vandal, licenced, only to be used by members and their guests and they were suitable for males and females. They were not for use by members of the public.
- The appearance of the toilets had been improved by trellises and climbing plants
- The reason for no parking signs had been to allow uninterrupted access for park maintenance vehicles as on some occasions these had been blocked by parked cars.
- The fencing had been erected as, in the past, drivers had reversed in and nearly knocked over elderly members. The fence and 'no parking' signs were to safeguard against that happening.
- Many members had mental health issues and learning difficulties. It was a great advantage to have the equipment set up for them in advance to allow them maximum time to use the service.

During the debate Members discussed possible restrictions on outside working and what they considered necessary opening hours. Discussions also surrounded the possibility of alterations to other conditions regarding the use of power tools but on advice from the Legal Officers that the application should be deliberated as it stood, a proposal was made to accept the Officers recommendation and approve the application. This was seconded and voted on with an outcome of 7 in favour, 0 objections and 1 abstention.-

Decision - APPROVED, Subject to Conditions:-

1. Approved Plans
2. No external working or storage shall take place anywhere on the site to which this permission relates and all working shall be confined to within the buildings.
3. The buildings shall not be used except between the hours of 7.30am-4pm Monday-Friday and 8am-4pm on Saturdays. There shall be no use of machinery or dispatch of deliveries at the premises except between the hours of 8.45 am and 4.00 pm on Mondays to Saturdays inclusive.
The buildings shall not be used at any time on Sundays or Public Holidays.
4. The premises shall be used as a workshop Class E(g) (iii), for storage (Class B8) and as a meeting place for the local community (Class F2(b)) as set out in the application and for no other purpose within Class E, F or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).
5. There shall be no external alterations to the buildings without the prior written consent of the Local Planning Authority.
6. No retail sales shall take place from the buildings at any time.
7. The toilet building shall be permanently removed from the site on cessation of the current use of the buildings as workshop and meeting place for the local community

Informative: The applicant is reminded that there should be no external working or storage anywhere on the site and all materials should be confined to within the buildings.

Application Number:	AWDM/0128/23	Recommendation - APPROVE
Site:	Rosecroft, The Street, Shoreham-by-sea	
Proposal:	Raising of the roof ridge height and remodelling of bungalow to form a two storey pitched roof dwelling, with raised patio to rear	
Applicant:	Mr and Mrs Smith	Ward: St Nicolas
Agent:	Mr Leonardo Farrauto - BPM	
Case Officer:	Peter Barnett	

Councillor Carol Albury returned to chair the remainder of the meeting.

Councillor Crisp explained that she had called this application in before she was a member of the Planning Committee and had done so to enable the issues surrounding the conservation area it was sited in to be looked at in more detail. She declared that she was in no way pre determined to the outcome of this application.

The Principal Planning Officer presented the report explaining that the dwelling next door was also in possession of current planning permission to extend. He clarified some amendments to the proposed structure, including the projecting balcony being replaced with a Juliet balcony. The applicant had employed a contemporary design but with the use of traditional materials to compliment the conservation area.

The Officer explained that objections had been received from the property to the west of the application site and showed pictures from the objectors garden to demonstrate the concerns. He clarified that a condition had been put in place to provide some additional planting to minimise overlooking..

Members had questions for the Officer regarding -

- Had there been any objections to the neighbouring building that had already been granted similar permission?
- Was there any permission sought for the fence erected on the application site?
- Was the height of the raised patio likely to cause any issues?
- Would the additional planting that had been conditioned be for more mature plants so the screening would be instant?

The Officer address members queries as follows -

- There had been 3 applications for the neighbours similar planning permission. The first 2 had objections submitted and had been rejected. The third and last one had no objections submitted and permission had been granted.
- Officers were not currently aware of any permission having been sought for the fence and this was currently being investigated.

- The height of the patio was the reason for the additional planting that had been conditioned to avoid excessive overlooking.
- The condition could be amended to request the planting of mature plants.

There was one registered speaker who gave a representation in objection to the application. She covered aspects including -

- Possible noise caused by open patio doors and the balcony.
- Overlooking and loss of privacy.
- Concerns that garden lighting may be too bright.

There were two registered speakers who gave representations in support of the application. They addressed some of the issues as follows -

- The applicant had worked closely with Planning Officers and had amended certain aspects as a result.
- They were incorporating an Air Source Heat Pump.
- The palette and materials chosen had been done with the conservation area in mind.
- They were more than willing to add additional mature planting as both parties would benefit from this.
- Bamboo had been planted as an interim measure but this was root barriered and could be removed in favour of other plants and trees.

During the debate Members discussed aspects regarding the design and materials being suitable for the conservation area. Concerns were voiced over the proposed roofing materials and the patio height. However it was noted that the current bungalow was not an aesthetic asset to the conservation area. Members questioned the distance from the adjacent property and Officers clarified that as the adjacent property was not directly to the rear of the application site 19 m was judged to be an adequate distance. Although Committee members were keen to impose a condition to control the garden lighting the officers explained that lighting is an Environmental Health issue and should the lighting chosen be unacceptable it would be this department of the Council that would deal with it.

A proposal was put forward to approve with additional planting and delegate lighting control to officers. This was seconded and voted on with 8 votes in favour, 0 votes against and 1 abstention.

Decision - Approve, subject to an additional condition requiring details of any external lighting to be submitted and approved by the LPA and to the following conditions:-

1. Approved Plans
2. Standard time limit
3. Construction Management Plan, including hours of working
4. Schedule of external materials to be submitted and approved including sample panel of flint on site
5. Landscaping plan to be submitted and approved
6. Removal of permitted development rights for future extensions under Classes A, AA, B, C
7. Heat pump to be installed in accordance with details to be submitted and approved.

Application Number:	AWDM/0072/23	Recommendation - REFUSE
Site:	31 Meadowview Road, Sompting	
Proposal:	Conservatory attached to rear extension	
Applicant:	Mr Nicholas Stark	Ward: Cokeham
Agent:	N/A	
Case Officer:	Jason Albon	

The Planning Services Manager presented the report explaining to members the reason behind the refusal recommendation. He demonstrated that although the adjacent property was in possession of live planning permission to extend to the same extent as the applicant's current extension, they had not yet done so. The applicant was now applying for a further extension of approx 2.5 metres but as planning guidance dictates that any extensions should not project over 3 metres from the neighbouring structure, Officers had been obliged to recommend refusal.

Members had questions for the Officer regarding -

- If the adjacent property had extended to the same level as the applicant's extension, would the recommendation for this application have been to approve?
- Was there a limit to how much of your garden you can build on?
- If the application were to be approved would Planning Officers have any concerns over setting a precedent?

The Officer responded to the Members queries as follows -

- If the adjacent property had extended, the recommendation for this application would have been to approve.
- There was guidance for how much garden space remains after building any extensions but outbuildings could be erected under Permitted Development rights.
- Although setting a precedent is usually a concern, in this case the neighbouring property was in possession of permission to extend and could start building at any time. Members may consider that there were extenuating circumstances in this case and Officers felt that setting a precedence here was unlikely.

There was one registered speaker present, the Ward Councillor, who gave a representation in favour of the application.

He explained that the applicant's reason for the application for the additional extension was that they felt overlooked by the occupied outbuilding in the neighbouring properties garden and as such kept the curtains closed on the closest window to it. The proposed extension would negate the need for that.

During debate Members discussed the possibility of removing Permitted Development rights from the application site to avoid any outbuildings being constructed without permission, to avoid the loss of all garden space. They also concurred that there were extenuating circumstances in this case and a proposal was put forward to overturn the Officers recommendation and approve the application, with an additional condition withdrawing Permitted Developments rights. This was seconded and voted on with a unanimous vote of in favour.

Decision - Approved, subject to standard conditions and withdrawal of permitted developments for any Class E buildings.

Application Number:	AWDM/0660/23	Recommendation - REFUSE
Site:	1 Hamble Road, Sompting, West Sussex	
Proposal:	Construction of single storey 1 bed dwelling attached to west elevation	
Applicant:	Mr Neil Janner	Ward: Peverel
Agent:	Mr Peter Wilson	
Case Officer:	Hannah Barker	

The Planning Services Manager presented the report showing the plans of existing dwelling and proposed additional structure which was intended to provide a one bedroom dwelling for a wheelchair user. He clarified the grounds behind the Officer's refusal recommendation, which were that the form, scale and siting would be detrimental to the visual and residential amenities of the area.

Members had questions for the Officer regarding -

- Were there any other flat roofed buildings in the area?
- Was the dwelling to be completely separate from the adjacent property or linked to it?
- Had the applicant employed the services of the Planning department during the design process of this application?
- Would the additional building cause loss of light to the adjacent existing building?

The Officer addressed Members queries as follows -

- There were other flat roofed structures in the vicinity although none of them were residential buildings.
- The Officer was not aware that the applicant had consulted the Planning Department during the design process.
- The existing adjacent dwelling would suffer from loss of light due to the proposed structure.
- The Officer suggested that the agent answer questions regarding the relationship the new dwelling would have with the existing one.

There was one registered speaker, the agent who gave a representation in support of the application. He provided information for the members as follows -

- The applicant and owner of the existing adjacent property had worked with disabled people for many years and was aware of a shortfall of appropriate disabled accommodation.
- It was planned that there would be storage for 2 wheelchairs inside the dwelling.
- The new dwelling would be completely separate from the existing dwelling and both would be rented out individually.

- The applicant was amenable to have a condition imposed that dictated that the property must only be rented to a disabled occupant.

During debate Members discussed that, had the new dwelling been linked to the adjacent property, for example a host property housing a family and the adjacent property housing a disabled relative to allow independent living, this would have been a favourable application. As it stood, Members concurred that the proposed structure did present overdevelopment of the site and would have a fundamental negative impact on the current adjacent dwelling . They considered that they would be keen to see the application return in a different form linking it to the adjacent existing property as discussed.

A proposal was put forward to reject the application. This was seconded and voted in favour of with a unanimous result.

Decision - Refuse