

Planning Committee

28 April 2015 - At a meeting of the Committee held at 10.30 a.m. at County Hall, Chichester.

Present: Mrs Brunson (Chairman), Mr Barrett-Miles, Mr Crow, Mr Clark*, Mrs Kitchen, Mr McAra, Mrs Mockridge, Mr S. Oakley, Mr Parsons, Mr J. Rogers, Mr R. Rogers and Mr Wickremaratchi

Apologies: Mrs Hall and Mr Quinn.

*Substitute Member on behalf of Mrs Hall

Declarations of Interest

1. Janet Mockridge, declared that she had submitted an objection under the planning application to be considered at the meeting concerning Kingston Railway Wharf. Due to the potential perception of predetermination in the matter Mrs Mockridge would leave the meeting room during the discussion and determination of the application. Mrs Mockridge would exercise her right as a local objector to address the Committee for five minutes on the application and would provide her submission from the public gallery.

Minutes

2. Resolved - that the minutes of the meeting of the Committee held on 3 March 2015 be agreed as a correct record.

Urgent Matters

3. The Committee noted that the enforcement report concerning the Crouchland Farm site, under agenda item number 6 of the agenda, had been deferred and would be considered at a later meeting date.

4. Mrs Mockridge left the Committee and joined the public gallery at 10.34 a.m.

Minerals Planning Application

WSCC/073/14/SU Use of site in connection with permitted aggregate bagging operation on adjacent site for a temporary period until September 2016 at Kingston Railway Wharf, Brighton Road, Shoreham-by-Sea, West Sussex, BN43 6RN.

5. The Committee considered a report by the Executive Director of Residents' Services and the Strategic Manager Planning (copy appended to the signed minutes). The report was introduced by the Strategic Planning Manager who provided a presentation on the proposals contained in the application. During the course of the presentation the following was outlined: site location; proposed site layout; proposed lorry routing; photographs showing the site in context; representations; key issues and the officer recommendation.

6. Janet Mockridge spoke in objection to the application. Mrs Mockridge's submission to the Committee included the points below:

- The increase in the amount of aggregate on site would result in an increase in the level of HGV movements associated with the site. The HGV route was not adequately enforced and HGVs often used inappropriate roads to access the site.
- Air Quality Management Areas (AQMAs) existed on routes used by HGVs and queuing lorries had an adverse impact on these areas.
- The use of a desk-top analysis to assess the impact of HGV movements on the local road network was raised as a concern. The modelling used did not take account of the cumulative effect of three working sites in the area that were accessed by HGVs.
- Due regard should be paid to the objection raised by Adur District Council and the adverse environmental impact caused by the increase in HGV movements.

7. Mrs Mockridge left the meeting room at 10.46 a.m.

8. Kate Matthews, Planning Consultant, spoke in support of the application. Ms Matthews' submission to the committee included the points below:

- The current bagging operation on the Railway Wharf, on the site adjacent to the current application site, had operated successfully since permission had been granted in 2013; temporary permission on the site existed until September 2016.
- As a consequence of higher demand for aggregate the applicant had leased the new area of land which was intended for storage, car parking and the operation of a mobile bagging plant.
- There was a desire to move the operation closer to Shoreham Port in due course but currently there were no suitable site available. The current setting of the operation and the application were short term solutions.
- Dust and noise management plans were in place at the site and measures to mitigate the impact of HGV movements were proposed. No objection had been raised in respect of the impact on highways capacity and a Section 106 agreement would control the level of HGV movements and establish a routing agreement.

9. During the debate the Committee raised the points below:

- The nature of the highways survey and how it was conducted, the conclusions of the survey and the routing agreement.
- Noise level surveys relating to the site and measures to mitigate the impact of noise from the site.
- European Union (EU) legislation placed an obligation on local planning authorities to avoid the exacerbation of poor air quality in the vicinity of AQMAs.
- It was noted that a number of industrial units in the immediate area of the application site were currently unused. Queries were raised regarding the ability of the highways assessment to take account of the

impact of such units on the local road network, should they be occupied and become active.

- A member of the Committee expressed the view that noise emanating from the site was not significant within the context of other industrial operations surrounding the application site.
- A member of the Committee commented that the site was well-suited to the purpose of aggregates bagging.
- The enforcement of the agreed HGV routes was raised. Particularly how the routes would be monitored and enforced if HGVs were accessing roads away from the agreed route.

10. In response to queries and issues raised the Strategic Planning Manager and the Head of Law, Assurance and Strategy provided the following clarification:

- In highways terms the site was consistent with policy. The Transport Statement considered the suitability of the site in terms of the proposed HGV movements. The highways assessment raised no issues and the site exceeded standards relating to visibility displays and turning capacity. The agreed HGV route followed the West Sussex advisory route for HGVs within the area. The routing was contained within a legal agreement and was enforceable. The Highways Department was satisfied with the agreement that had been drafted.
- The noise of the adjacent site which housed the main aggregate bagging operation was of greater relevance and was subject to existing permissions. The application site was set in the context of a broader industrial site with associated noise emissions.
- It was confirmed that the applicant had proposed a split of lorry movements within the routing agreement; 20% of lorries would travel to the West of the site and 80% would use the route to the East. The split was not prescriptive in order to accommodate the use of routes for local deliveries. This would limit the number of HGV movements passing through the AQMA on Shoreham High Street. The HGV routes to the site would be prescribed by the S106 agreement.
- It was explained that under EU legislation there was no duty to refuse development due to the impact on air quality. The duty to assess the impact of the application on AQMAs locally fell to the Environmental Health Officer at Adur District Council who had not raised an objection in his response. Paragraph 9.17 of the report outlined the role of the Adur District Council's Air Quality Action Plan (2007) in relation to the area and responsibilities for addressing air quality issues.
- The vacant units within the area were not considered as part of the application but there was a requirement to consider the context of the area in which the application site was set. The increase in HGV movements resulting from the site was assessed as negligible to the overall use of the A259. It was acknowledged that the A259 was at times a very busy road but the application site would operate 11 hours a day and the road was likely to be accessed at quieter times of the day.

- It was confirmed that Enforcement Officers at the County Council were reliant upon the reporting of issues such as the contravention of agreed HGV routes and would investigate alleged breaches of the routing agreement.

11. The officer recommendation was proposed by Mr R Rogers and seconded by Mr J Rogers.

12. The Committee voted unanimously to agree the officer recommendation and approve the application.

13. Resolved – that planning permission is granted subject to:

(a) the conditions and informatives set out in Appendix 1 of this report; and

(b) a S106 agreement controlling HGV routing and HGV movement numbers across the wider site within the control of the applicant.

14. Mrs Mockridge returned to the meeting and resumed her role as a member of the Planning Committee.

Washington Sandpit – Section 59 Agreement

15. The Committee considered a report by the Executive Director of Residents' Services and the Strategic Planning Manager which provided an update on a recommendation proposed by the Committee to investigate the reasonableness of entering into a Section 59 Agreement with the applicant of planning application WSCC/104/13/SR, Washington Sandpit (copy appended to the signed version of the minutes). The Strategic Planning Manager introduced the report and advised the Committee that the recommendation had been assessed against the criteria employed to determine the likelihood of a development resulting in an extraordinary level of traffic and the reasonableness of Section 59 Agreements. Following assessment of the criteria officers had determined that a Section 59 Agreement would be unreasonable.

16. A member of the committee commented that a Section 59 Agreement was appropriate at Washington Sand Pit; the effect of HGVs accessing the highway from the site was extraordinary and precedent existed at a site in Balcombe. The criteria quoted in the report were not prescriptive and the local authority had discretion over Section 59 Agreements. *Highways Officers had assessed the highways to the site and had taken into account the heavy daily usage of the road which consisted of 17,000 two-way movements. Given the level of usage of the road it would be very difficult to apportion responsibility for the damage on the highway to the applicant.*

17. It was requested that the full set of criteria relating to assessment of extraordinary traffic and Section 59 Agreements be shared with the Committee and it was queried how repairs to highways could be enforced through planning permission. *The full criteria used to determine extraordinary traffic and Section 59 Agreements would be shared with the Committee. Agreements under Section 278 could be entered into with applicants to secure improvements to damaged highways.*

Update on Mineral, Waste and Regulation 3 Planning Applications

18. The Committee received and noted a report by the Executive Director of Residents' Services and Strategic Planning Manager on applications awaiting determination (copy appended to the signed minutes) regarding the schedule of County Matter applications and the schedule of applications submitted under the Town and Country Planning General Regulations 1992 – Regulation 3.

Report of Delegated Action

19. The Committee received and noted a report by the Executive Director of Residents' Services and Strategic Planning Manager (copy appended to the signed minutes) regarding applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 3 March 2015.

The meeting closed at 11.37 a.m.

Chairman