

## **Planning Committee**

4 February 2014 – At a meeting of the Committee held at 10.30 a.m. at County Hall, Chichester.

Present:

Mr Barrett-Miles, Mrs Brundson (Chairman), Mr Clark, Mr Crow, Mrs Kitchen, Mr McAra, Mrs Mockridge, Mrs Mullins, Mr S Oakley Mr Parsons, Mr J. L. Rogers, Mr R. Rogers and Mr Wickremaratchi.

## **Declarations of Interest**

86. In accordance with the Code of Conduct, the following declarations of interest were declared:

- Mr S Oakely declared a personal interest as a member of Chichester District Council in relation to agenda item 10 – Report on Monitoring and Compliance, Investigation, and Enforcement.
- Mr McAra declared a personal interest as a member of Chichester District Council in relation to agenda item 10 – Report on Monitoring and Compliance, Investigation, and Enforcement.
- Mrs Kitchen declared a personal interest as a member of Horsham District Council in relation to agenda item 10 – Report on Monitoring and Compliance, Investigation, and Enforcement.
- Mrs Mockridge declared a personal interest as a member of Adur District Council in relation to agenda item 10 – Report on Monitoring and Compliance, Investigation, and Enforcement.
- Mr Clark declared a personal interest in application WSCC/064/13/L as the local member for Seaside Primary School.

## **Urgent Matters**

87. The Chairman informed the meeting that the Report on Development Management Performance (copy appended to signed minutes) would be tabled after agenda item 10 - Report on Monitoring and Compliance, Investigation, and Enforcement.

## **Minutes**

88. Resolved – That the minutes of the meeting of the Committee held on 8 October 2013 be agreed as a correct record and that they be signed by the Chairman.

## **Waste Planning Application (County Matter)**

### **WSCC/084/13/HF**

Change of use from storage and distribution (former builders merchant depot) to waste recycling facility (Sui Generis) including the erection of a storage building and modular building, and installation of solar panels at Land at former Wolseley UK site, Shoreham Road, Henfield, West Sussex, BN5 9SE.

89. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes). Sam Dumbrell, Senior Planner, introduced the report and highlighted the following key issues to the Committee:

- The application would result in 27 Heavy Goods Vehicle (HGV) movements per working day. The majority of which would be sweeper vehicles.
- The application site's current planning status, a B8 use, with no restrictions on working hours, only floodlight use.
- The applicant could implement the B8 use at any time, including that land immediately north of the application site that shares a vehicular access to and from the A2037 with the proposal being considered

90. Mr Dumbrell drew the Committee's attention to the Agenda Update Sheet (copy appended to the signed minutes) that contained updates to the report since publication.

91. Mrs Kay Marshall, representing the Small Dole/Henfield Action Group, spoke in opposition to the officer recommendation. There were four landfill sites in the area and the group had stopped the construction of a recycling facility on a two acre site in 2010 via the Secretary of State. The noise and effect from the site proposed in 2010 would have a similar effect on the community as the output from the proposed facility. The process would be noisy, smelly dusty and would pollute the air of this residential area close to a quiet business park and golf course. The applicant claims that there was not an alternative site available but their business was not restricted to the area and there were more suitable sites in an industrial setting.

92. Mr Robinson, a Consultant for Henfield Action Group, spoke in opposition to the officer recommendation. The site was unallocated in the Waste Local Plan, was outside the area of search, not classed as small scale and did not meet a local need. This therefore meant that it was outside of County Council policy. The landfill site adjacent to the site would be affected for 40 years. Sweeptech works for Gatwick Airport and the Highways Agency and may require some emergency night time access to the site and the condition associated with this provided a loophole. He asked that if the application were approved that the night time access right be removed. The sound study had not been specific about the noise generators in the warehouse and the JCBs to be used outside could generate up to 100 decibels. It was suggested that the plant and equipment should be noise controlled. Mr Robinson also suggested that the permitted development rights to bring additional vehicles onto site should be removed. The lights could cause a nuisance to residents. The access to the site could cause a bottle neck onto Henfield Road and he encouraged the Committee to refuse the application.

93. Chris Warren, Henfield Action Group, spoke in opposition to the officer recommendation. The residents of the area had tolerated constant waste activity in the area that produced noise, dust and flies. The site did not form part of the Waste Local Plan. Policy W3, of the Waste Local Plan, allows local small scale development but this breaks County Council policy. 100 letters of objection had been submitted. There was no prospect of a finite end to the proposed activity on site. Horsham District Council (HDC) had responded asking that the opening hours be restricted to 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays with no emergency access permitted. Mitigation for contamination should be conditioned. The Director of Sweeptech had agreed that no site traffic should travel via either Small Dole or Henfield. Upper Beeding PC, of which Mr Warren was a

member, had not raised 'no objection' to the proposal as stated within the committee report.

94. Mr Graeme Kennett, Environmental Consultant, spoke in support of the officer recommendation. An Environment Agency (EA) permit for the development had been issued in draft form to handle 75k tonnes per year. This permit stated that the operation must be sensitive to the surrounding area and the site would be subject to unannounced visits to ensure compliance with the permit. It was in the operators' interest to remain compliant. Environmental and Odour Management systems were in place to mitigate any negative impacts. The EA permit specifies what material can be accepted with any changes having to be approved by the EA. Any contaminated water would be removed from site and disposed of. Any processing of the material would take place inside the building to minimise dust. Should the operator become non-compliant then sanctions could be issued by the EA to suspend or stop operations at the site.

95. Peter Rainier, Planning Agent, spoke in support of the officer recommendation. Public consultation had been undertaken including meetings with residents and letter drops. Most materials brought onto site (gully water, mud, and stone) would be recycled rather than going to landfill and would be a good use of existing material. This was a brownfield site with a considerable amount of built hard standing. The amount on traffic that would serve the southern part of the site would be considerably less than that associated with the certificate of lawful use. There would be a 1.5% increase in traffic, from no traffic at the moment, should the application be approved. The facility would provide a 100% reduction in waste going to landfill. The application complies with planning policy.

96. Martin Smith, applicant, spoke in support of the officer recommendation. The proposed site was 3.7 miles from the current location which the company had outgrown. They currently employ 33 people and the new site would create an additional 10 jobs. The majority of clients are Sussex based. Construction sites are under increasing pressure to recycle their waste and Sweeptech serve most of them. The lease on the current site expires in April but had been extended but the operation cannot continue there. Sweeptech has extensively searched the County and had attempted to purchase three sites before this. Funding could not be secured if they did not own the site. The process was 100% landfill avoidance and turned a waste product into non waste and goes back into the industry as there is a great demand for aggregates. The company had approached residents prior to submitting the application and had met with them since. Liaison meetings with residents would be held quarterly.

97. Mr Barnard declared a personal interest in the application as Cabinet Member for Residents' Services with waste minimisation in his portfolio.

98. Mr Barnard, the local member, spoke on the application. A number of residents' had objected to the proposals at a Henfield Parish Council meeting and these objections mainly related to the impacts on traffic and property values. Neither Henfield nor Upper Beeding Parish Council's had objected. Officers had worked hard on the conditions to minimise the impact on local residents. The site had been dormant since 2009 and there had been traffic associated with its previous use. There should be more being done to encourage businesses into the area and the growth of businesses already located in the County. Mr Barnard was very pleased with the level of investigation and the associated conditions proposed

to control the development. The application site would contribute to the County Council's near zero waste to landfill objective.

99. The Planning Officer provided clarification to the Committee which included the points that follow:

- Upper Beeding Parish Council were consulted and had responded on 2 October 2013 raising 'no objection'.
- The Horsham District Council (HDC) response dated 28 November 2013 was not uploaded to the WSCC website until 30 January 2014 following a clerical error. All of HDC's comments, advice and required conditions within that letter had been fully assessed and considered when the committee report was being completed.
- Following HDC's response dated 28 November 2013, further discussions had taken place with the Environmental Health Officer (EHO) at HDC relating to the proposed hours of use and associated vehicular movements in relation to local impacts. The applicant's requested operational hours and emergency use of the site, involving only vehicular movements were further discussed with HDC's EHO. The emergency uses were still not accepted by HDC's EHO due to lack of assessment in terms of impacts on the locality at potentially unsociable hours of the day. With exception of the proposed emergency hours of use, the operational hours as proposed in Condition 17 of the report were accepted by HDC's EHO.
- The Secretary of State's (SoS) involvement, including the potential call-in and review of the proposed development's EIA status. Despite the SoS's involvement, Committee were advised that they still could reach a decision on the development as proposed.
- Explanation on the mitigation for and control of the proposed developmental impacts on local residents and the local environment as raised by third parties and some consultees.
- The proposal's waste planning policy implications.

100. The Committee made points including those that follow:

- Concern about HGV movements and possible poor visibility splays. The entrance could potentially become a bottle neck and plans should be in place to mitigate that.
- HGVs could potentially have to stop on the carriageway to check for conflicting traffic.
- Suggested that the entire building should be insulated to mitigate any noise from the waste operations.
- Requested that any junction warning signs were very visible and illuminated if possible.
- Concerned about the storage of wet waste and any leachate.
- Likely that concerns are being overplayed as the site has been dormant for nearly 4 years.

101. The officer recommendation was proposed, seconded and approved by the Committee.

102. Resolved– That planning permission be granted subject to the conditions and informatives set out in appendix 1 of the report, that the application is not called in for determination by the Secretary of State.

## **Minerals Planning Application (County Matter)**

**WSCC/081/13/SU** Variation of Conditions 1 and 2 of planning permission WSCC/061/11/SU to extend temporary period of use for further three years and regularise design changes at Kingston Railway Wharf, Brighton Road, Shoreham by Sea, West Sussex, BN43 6RN.

103. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes). Anna Whitty, Senior Planner, introduced the report.

104. James Day, Applicant, spoke in support of the officer recommendation. The application was regularising design changes that had taken place. An Apex had been added to the building housing the machinery and the footprint had been reduced. A new fence provides acoustic screening and the company had invested heavily in the site. Shoreham Port Authority were happy with the site and the company were hoping to secure a site in the inner basin when any redevelopment takes place. 80% of the material is delivered by boat which minimises HGV movements.

105. The Committee were impressed with the well-run site.

106. The officer recommendation was proposed, seconded and approved by the Committee unanimously.

107. Resolved – That planning permission be granted subject to the conditions and informatives set out in appendix 1 of the report.

## **Regulation 3 Application**

**WSCC/090/13/LU** To extend the school to three form entry, including five classroom extension to north, central extension to hall and provision of studio, storage and kitchen, and three classroom extension to south east, with associated support facilities and parking at White Meadows Primary School, Whitelea Road, Wick, Littlehampton, West Sussex, BN17 7JL.

108. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes). Anna Whitty, Senior Planner, introduced the report.

109. Mrs Whitty drew the Committee's attention to the Agenda Update Sheet (copy appended to the signed minutes) that contained an update to condition 14 relating to the removal of temporary classrooms.

110. Luisa Gould, Headteacher, spoke in support of the officer recommendation. In September 2011 the school accepted an additional reception class and subsequently added a class in reception in September 2012 and 2013. The school is rated as 'good' by OFSTED. There are currently 3 classes in reception, year one and year two (90 pupils per year group). There are 519 pupils on the school roll, an increase of 159 pupils in two and a half years. Most of the children are siblings

or pupils already attending the school. Two year groups were currently taught in temporary classrooms which had a negative impact on their education. The proposed development would allow for improvements in technology, to the outdoor area, and allow increased use of the music and drama studio. Whitemeadows is the only school in the area with the capacity to grow. The current development would enhance the current provision for all children at the school and future pupils.

111. David Seaman, Lead Consultant/Architect, spoke in support of the officer recommendation. The proposed development would be a stimulation learning environment for current and future pupils at the school. Five classrooms would be located to the north of the development and three to the south east. The studio space would be two storeys and would reflect the current design and building height therefore minimising the visual impact. Officers and the school had worked hard to alleviate highway concerns and the highway officer has not objected. The two new pedestrian accesses should encourage pupils to use these rather than be dropped off by car. The accesses would only be open at drop off and pick up times. Staff parking provision would be increased to 57 spaces for 71 teachers/support staff, guidance suggests 36 should be provided, to try and alleviate congestion on surrounding roads. The school has a robust travel plan in place.

112. Jaroslaw Wrubel, Lakehouse (Main Contractor), spoke in support of the officer recommendation. Contractors understand the additional burden on Whitelea Road during the construction of the development but they had worked closely with the County Council and residents to mitigate the impacts where possible. Good relationships had been created and maintained with the school and local residents. A regular newsletter will be sent to residents during the enabling and construction works to keep them informed of what is happening. The site access would be clearly signposted. No construction would take place before 8am but the site would be open from 7am to allow for the construction staffs arrival. Seven parking spaces would be provided for construction staff. Deliveries would take place via Whitelea Road and would take place during restricted hours outside of school drop off and pick up times. Residents would be informed of any unusual deliveries and would be provided with contact details for the site manager and out of hours cover. A banksman would be used along Whitelea Road from Wick Road to minimise any disruption.

113. Ian Buckland, the local member, also spoke on the application. The quality of the teaching at the school was excellent but residents have suffered with previous extensions to the school. Parents consistently park inconsiderately and there were many highway issues related to the proposed accesses. Thatchway Close contained 10 – 15 bungalows where many elderly people resided and there was concern that this could become a rat run for drug addicts and he requested that the area be lit or a gate installed but know that a gate is impossible as it is a public right of way. Concerned that the Courtwick Lane development is not yet built but feels it is driving the school extension. The school were working hard on the travel plan but was not yet proven. Mr Buckland requested that the Committee reconsider the access from Thatchway Close and look closely at the highway issues.

114. Mrs Whitty informed the Committee that the school could implement the Thatchway Close entrance/access under permitted development rights if the Committee refused the application.

115. The Committee made points including those that follow:

- Identified need for expansion
- Encouraged that the school are working hard on the travel plan to mitigate issues.
- Encouraged that new accesses would be landscaped to create a pleasant environment for parents to wait.

116. The officer recommendation was proposed, seconded and approved by the Committee unanimously.

117. Resolved – That planning permission be granted subject to the conditions and informatives set out in appendix 1 of the report.

### **Regulation 3 Application**

#### **WSCC/064/13/L**

New single storey extensions providing new teaching wing comprising 7 no. classrooms, 2 no. group rooms, an extension to the main Hall and other ancillary works and accommodation at Seaside Primary School, Freshbrook Road, Lancing, West Sussex, BN15 8DL.

118. Mr Clark left the table at this point as he had indicated his intention to speak as the local member.

119. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes). Chris Bartlett, Planner, introduced the report and highlighted the following key issues to the Committee:

- Increase from 420 to 630 pupils incrementally – 30 year on year.
- The incremental increase together with the school travel plan and waiting restrictions would mitigate highway concerns.
- A kiss and drop voluntary one way system would operate along Freshbrook Road.

120. Lee Murley, Headteacher, spoke in support of the officer recommendation. The outcome of the application was massively important for all the children and families at the school. The school was expanding to accommodate an increase in the current catchment area. A double hut temporary classroom was installed in 2012 to provide additional teaching facilities. The school had worked closely with the planners for the best outcomes for the pupils and it had resulted in a brilliant design which was supported by local residents. The priority was to get children on and off the school site safely. The extension was close to Old Salts Farm Road so it was practical to create a new access there and Seaside Avenue was a wide road with better pavements which would encourage children to cycle to school and make use of the new pedestrian/cycle access. The Governors were not supportive of children cycling along Freshbrook Road as it is dangerous. The school were actively trying to discourage children being dropped off by car. 25% of the children were dropped off by car compared to 37% in 2007. The school were working hard to change attitudes. The children have a right to a high quality education and no spaces elsewhere for expansion.

121. Mick Clark, the local member, spoke in support of the officer recommendation. He had been working closely with the school and they needed the proposed accesses. The Seaside Avenue had received the most objections but this was the only way the access could practically work.

122. The Committee made points including those that follow:

- Identified need for expansion.
- Concern raised about the barrier proposed outside the Seaside Avenue access.
- Suggestion that the new accesses be landscaped to be an attractive place for parents to wait to discourage driving.

123. The officer recommendation was proposed, seconded and approved by the Committee unanimously.

124. Resolved – That planning permission be granted subject to the conditions and informatives set out in appendix 1 of the report.

### **Waste and Regulation 3 Planning Applications**

125. Mr Clark rejoined the table.

126. Mr McAra and Mr R Rogers left the meeting at this point.

127. The Committee received and noted a report by the Director of Communities Commissioning and Head of Strategic Planning Manager on applications awaiting determination (copy appended to the signed minutes).

### **Report of Delegated Action**

128. The Committee received and noted a report by the Director of Communities Commissioning and Head of Strategic Planning Manager (copy appended to the signed minutes) advising of the uses of delegated powers to grant permission for development proposals 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 2 July 2013.

### **Report on Monitoring and Compliance, Investigation, and Enforcement**

129. The Committee received and noted a report by the Director of Communities Commissioning and Head of Strategic Planning Manager (copy appended to signed minutes) that reviewed the work undertaken by the Planning Enforcement function within the County Planning Department from 1 April 2013 to 31 October 2013.

### **Report on Development Management Performance (01 January 2013 to 31 December 2013)**

130. The Committee received and noted a tabled report by the Director of Communities Commissioning and Head of Strategic Planning (copy appended to signed minutes).

131. Mr Crow left the meeting at this point.

### **Date of Next Meeting**

132. The Committee noted that the next meeting would take place on Tuesday 4 March 2014.

The meeting ended at 3.04 p.m.

Chairman