

## **Planning Committee**

7 October 2014 - At a meeting of the Committee held at 10.30 a.m. at County Hall, Chichester.

Present: Mrs Brunsdon (Chairman), Mr Crow†, Mrs Duncton\*, Mrs Hall, Mrs Kitchen, Mr McAra, Mrs Mockridge, Mr Parsons, Mr Quinn, Mr R. Rogers and Mr Wickremaratchi.

†Mr Crow took his seat on the committee at 12.05 p.m. please see paragraph 228 below.

Apologies: Mr J Rogers; \*Mrs Duncton acted as a substitute.  
Mr S Oakley

## **Declarations of Interest**

214. The following interests were declared by members in accordance with the code of conduct:

- Liz Kitchen declared a personal interest in the Rudgwick Brickworks application as a member of Horsham District Council and the local West Sussex County Council member to the application;
- Robin Rogers declared a personal interest in the Worthing Secondary School application as a governor at the local Durrington High School;
- Janet Mockridge declared a close involvement in funding and contractual arrangements for the prospective new Worthing Secondary School due to her role as a Deputy Cabinet Member. Mrs Mockridge would leave the meeting room during the determination of the application; and
- Bryan Turner made a declaration of interest during his address to the committee please see minute 234 below.

## **Minutes**

215. The Chairman provided an update on paragraph 210 of the minutes of the last meeting and explained that a letter had been drafted and would be sent to the Chairman of Joint Downland Area CLC.

216. Resolved - that the minutes of the meeting of the Committee held on 2 September 2014 be agreed as a correct record and that they be signed by the Chairman.

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

### **WSCC/038/14/RW**

Proposed restoration of the former clay pit, including the remodelling of the existing land form to enable a change of use to agricultural land (permanent pasture), proposed scheme of landscaping improvements and ecological enhancements Rudgwick Brickworks, Lynwick Street, Rudgwick, Horsham, West Sussex, RH12 3DH.

217. The Committee considered a report by the Strategic Planning Manager regarding the Rudgwick Brickworks and an update sheet to provide factual corrections to information in the report (copies of both appended to the signed version of the minutes). The Strategic Planning Manager introduced the report, outlined the key issues concerning the application and the reasons for the officer recommendation.

218. Keith Mantle, Local Resident, spoke in opposition to the application. Mr Mantle's submission to the committee consisted of the points below:

- The historic data concerning lorry movements at the site was not felt to be sufficiently robust to use as evidence during the consideration of the application particularly as there were no historic records of lorry movements;
- A road safety audit should be undertaken as part of the application;
- The level of HGV movements and hours of operation proposed in the application were unacceptable due to the impact on the safety of road users and pedestrians. Lynwick Street was a narrow, unlit road without a pavement;
- A change to the hours of operation was suggested for an 8 hour working day, 8.00 a.m. – 4.00 p.m. to protect pedestrians and school children using the road;
- A change to the days of operation was suggested to exclude Saturday in order to alleviate the impact of the site on local residential amenity;
- An independent monitoring system should be established to assess the lorry movements on the site and a local liaison committee established consisting of the applicant and local interested parties.

219. Peter Hayes, Local Resident, spoke in opposition to the application and outlined an alternative access route to the site from Hillside Lane. This alternative access would avoid the use of Lynwick Street and remove the impact of HGV movements on local residents.

220. James Maclean, planning agent to the applicant, spoke in support of the application. Mr Maclean's submission to committee included the points outlined below:

- The applicant sought a restoration of the clay pit and a return of the land to agricultural use as pasture for the grazing of cattle;
- The applicant had been mindful of existing permissions on the site but had attempted adequate mitigation of the impact of the site;
- A balance had been sought between the length of the operation of the scheme and the number of HGV movements. Any reduction in the number of HGV movements would extend the length of the operation;
- To mitigate the impact of the site the applicant had reduced the hours of operation previously proposed and undertaken an assessment of the alternative site entrance from Hillside Lane which was unacceptable due to highway considerations, impact on a local site of scientific interest and public rights of way;

- Public exhibitions and consultations had been conducted and the scheme had undergone revision following demands expressed by Rudgwick Parish Council in 2013; and
- The establishment of a Local Liaison Group was supported by the applicant to engage local residents in relation to the operations.

221. The following points of clarification were provided by the Strategic Planning Manager:

- The hours of operation proposed in the application were less than the existing permission on the site;
- The HGV movements proposed in the application had been considered acceptable by WSCC Highways Officers in terms of safety and capacity and it was determined that a safety audit was not required as part of the application;
- Lorry movements associated with the site as a brick works had at times exceeded the maximum (40 HGVs) proposed and they were never controlled or capped; the tipper lorries to be used on the proposed operation were smaller in size than those associated with the old brickworks;
- A condition had been included to establish a Local Liaison Group to include the local county councillor, county planning department, a representative of Horsham District Council, local residents, the applicant and other relevant parties; and
- The application would not involve any further extraction of clay. The extraction of clay ceased a number of years ago due to the quality of clay no longer being commercially viable for brickmaking. The application would not involve the sterilisation of an important or safeguarded mineral resource.

222. The Committee discussed those points as outlined below in the debate that followed:

- Water runoff from the site and the risk of flooding;
- The width of Lynwick Street, space for passing lorries and use of the road by pedestrians;
- The impact on the development of excluding working on Saturdays in the interest of protecting residential amenity;
- The lack of a safety audit and if the use of the road for 80 lorry movements per day (Mon to Fri) was considered safe by Highways. It was the contention of some members of the committee that a safety audit should be required as part of the application and that a deferral of the application should be agreed to enable a safety audit to be completed before the application returned to committee for determination. A safety audit should focus on the safety of pedestrians using the road;
- The precise number of lorry movements required to transport the material onto site was queried; and
- The restoration of the site was supported by the Committee.

223. In response to queries raised during the debate the following clarification was provided by the Strategic Planning Manager and the solicitor for the Director of Law, Assurance and Strategy:

- The site drained into Hobbs Copse and an existing pond on site would be utilised, with new drainage measures, including a balancing pond for water runoff which would continue to be discharged into the woodland. The proposals for drainage on the site had been considered and approved by the County Drainage Officer;
- A width of 5.5 metres was required for lorries to pass at slow speed which Lynwick Street provided. The use of one operator to transport loads to the site would ensure drivers were familiar with the road. It was acknowledged that there was pedestrian activity on the road but the existing permission for the site allowed lorry movements on the road. The split in lorry movements of 15% North East to Rudgwick and 85% South West to the A281 would result in the majority of lorries passing through the less densely developed section of Lynwick Street. The split would also lessen the impact on pedestrians walking from properties along the road to the North of Rudgwick village;
- The prohibiting of working on a Saturday would lengthen the period of time for the operation by approximately 22 weeks;
- The application did not accord with policy requirements for a safety audit to be conducted and to demand the applicant undertakes such an audit could be considered unreasonable; and
- The HGV movements limited by condition would be sufficient to complete the operation within the period of the application. Condition 27 required the applicant to keep complete records of the number of movements and amount of material brought onto site to scrutinise compliance with the conditions.

224. A motion was proposed by Andrew Barrett-Miles to defer consideration of the application to enable the completion of a safety audit, focusing on the pedestrian use of the road and level of HGV movements proposed. The motion was seconded by Robin Rogers. The motion was put to a vote and defeated by a clear majority of the committee.

225. A motion was proposed by Lionel Parsons to amend conditions 2, 23 and 24 to exclude the operation of the site on Saturdays in order to protect residential amenity. The motion was seconded by Liz Kitchen. The motion was put to a vote and defeated by a clear majority of the committee.

226. The officer recommendation was proposed by Robin Rogers and seconded by Janet Duncton. The recommendation was put to a vote and approved by a clear majority of the committee.

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

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

- (b) the completion of a Section 106 Agreement controlling the routing of HGVs to and from the application site; and
- (c) the completion of a Section 59 Agreement to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway.

228. At 12.05 p.m. Duncan Crow took his seat on the committee.

229. At 12.05 p.m. there was a brief recess; the meeting reconvened at 12.15 p.m.

230. At 12.15 p.m. Janet Mockridge left the meeting room.

### **Regulation 3 Application**

#### **WSSC/032/14/WB**

Construction of a new build 900 student Secondary School. Development consists of a four storey teaching block and a two storey Sports Hall on the land South of Northbrook College, together with the demolition of an existing college building, a new external multi use games area, car park and associated soft and hard landscaping works and new vehicle access. Land to the south of Northbrook College, Broadwater Road, Worthing, West Sussex, BN14 8HJ.

231. The Committee considered a report by the Strategic Planning Manager regarding a proposed secondary school in Worthing and an update sheet to provide factual corrections to information in the report (copies of both appended to the signed version of the minutes). The Strategic Planning Manager introduced the report, outlined the key issues concerning the application and the reasons for the recommendation.

232. Catherine Bournier, local resident, spoke in opposition to the application. Ms Bournier's address to the committee included the following points:

- An objection to the felling of further trees and a request for consultation if there was an intention to remove more trees than indicated in the application. Healthy trees should be retained; only removal of unhealthy trees should be considered. Planning policy supported the retention of existing flora and fauna as an enhancement to a locality. The trees on the site provided a habitat for wildlife and contributed to the reduction of carbon dioxide;
- Insufficient green features on the buildings proposed in the application;
- The Queen Street Car Park did not provide sufficient width for cars to access which could cause tail backs and dangerous blockages on the road;

- The fence in the application should be kept on the same line of the existing fence, set back from the pavement behind the trees;
- The potential use of Manor Field for sports was opposed; no application adverts or site notices had been placed on the field.

233. Graham Olway, Principal Manager, Capital and Planning Projects spoke in support of the application. Mr Olway raised the points below in his address to the committee:

- The new school was a key element of the age of transfer reorganisation in Worthing. A challenging task of this reorganisation had been to provide a new school that meets the needs of the community within a limited urban site;
- The plans for the school had been discussed with Department for Education (DfE) architects who had been positive about the proposals;
- Bohunt, the academy sponsors already have experience of supporting a secondary school on a confined urban site. The Worthing site was confined but the proposals for the new school were consistent with statutory requirements for new schools; and
- Discussions were on-going with Worthing Borough Council (WBC) and the cricket club and hockey club for the school to use part of Manor Field for sporting activity.

234. Bryan Turner, the local members, spoke on the application. Mr Turner declared the following personal interests in the application: as a member of WBC; the Cabinet Member at WBC for Regeneration; and as a governor of Northbrook College.

235. Mr Turner made the following points in his address to the committee:

- The need for the proposed secondary school in Worthing had been established by the increase in the number of children in the area and evidence that greater attainment was achieved under the new age of transfer arrangements;
- The site was constrained but it met the requirements of the DfE;
- Mr Turner had received only one objection from a local resident regarding the parking drop-off area and potential congestion. Local residents accepted that the new school was necessary and would be an advantage to local children;
- Further discussions with WBC were encouraged to consider shared use of the Queen Street car park between the school and the local community.

236. Points of clarification were provided by the Strategic Planning Manager including:

- A tree protection plan had been submitted with the application. The tree officer had commented on the poor condition of the trees that would be removed in the proposals; it was also confirmed that the trees were a mix of B, C and U class trees. The removal of the trees was required to

facilitate the access to the school, the bus stop and the pedestrian crossing. A landscape condition was included which required more vegetation and trees to be planted on the site and not all the trees would be removed.

- The width of the entrance to Queen Street car park was just sufficient for two cars. The use of the car park for drop-off was not known but it was assumed that the primary drop-off point at the front of the school would be used. No highway capacity or safety concerns were raised in consultations with the Highways Authority on the application. It was confirmed that the car park was the property of WBC and was outside of the application site.
- The line of the fence outlined in the application increased the size of the site in comparison to the existing fence on the site.
- The recommendations arising from the meeting of the WBC Planning Committee which considered the application were summarised for the committee.

237. The Committee considered the following issues during the debate.

- The Travel Plan to the school;
- Consideration of Carnegie Road as a point of access to the new secondary school;
- The limited size of the proposed school site and the lack of outdoor playing fields;
- The pedestrian crossing and the safety of pupils accessing the school over Broadwater Road;
- The lack of green space on the site was a concern and it was proposed that the drop-off area in the application should be reduced in size to accommodate a green landscaped area on site; and
- The need for the development had been established in the application.

238. In response to queries raised during the debate the following clarification was provided by the Strategic Planning Manager and the solicitor for the Director of Law, Assurance and Strategy:

- A travel plan had been produced in consultation with the Safer Routes to Schools team and was recommended in the conditions;
- Access to the school from Carnegie Road would require access across the Northbrook College site and was not felt to be viable by the applicant at the pre-application stage;
- The new school proposal was consistent with DfE guidelines for the construction of new schools. Sports England guidance does not require outdoor playing field provision at new build schools;
- The pedestrian crossing was staggered and would incorporate a central area for children to congregate safely; and
- In order to change the plans to increase the green space on site a revised landscape master plan strategy would be required.

239. A motion was proposed by Gordon McAra to reduce the size of the drop-off area in the plans to accommodate a green landscaped area. The motion was seconded by Robin Rogers. The motion was put to a vote and defeated by a clear majority of the committee.

240. The officer recommendation was proposed by Janet Duncton and seconded by Liz Kitchen. The recommendation was put to a vote and approved by a clear majority of the committee.

241. Resolved – that planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the report.

242. Mrs Mockridge re-joined the meeting at 1.30 p.m.

### **Update on Mineral, Waste and Regulation 3 Planning Applications**

243. The Committee received and noted a report by the Executive Director of Residents' Services 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**

244. The Committee received and noted a report by the Executive Director of Residents' Services (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 22 July 2014.

### **Date of Next Meeting**

245. The Committee noted that its next scheduled meeting would be held on 4 November 2014.

The meeting closed at 1.32 p.m.

Chairman