

Planning Committee

29 November 2016 - At a meeting of the Committee held at 10.30 a.m. at County Hall, Chichester.

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

Apologies: Mr Clark and Mr Quinn

Substitutes: Mr Parsons

*Mr Crow arrived at 10.35 a.m.

Declarations of Interest

208. In accordance with the County Council's code of conduct the following declarations of interest were made in relation to Item 6: Proposed Submission Draft of the West Sussex Joint Minerals Local Plan (Regulation 19 stage):

- Mrs Brunsdon, Mr S. Oakley and Mr J. Rogers were members of the Environmental and Community Services Select Committee appointed Task and Finish Group which looked at the development of the West Sussex Joint Minerals Local Plan.
- It is noted that Mrs Mockridge is a member of the following: Shoreham Port Liaison Committee, Littlehampton Harbour Board, the Regional Flood and Coastal Committee, and Sussex Inshore Fisheries and Conservation Authority Finance Committee (for sea dredged minerals and sand).

Minutes of the meeting of the Committee held on 1 November 2016

209. The Committee agreed the following corrections to the minutes of the previous meeting in respect of the wording of Minute 191:

- first paragraph under heading Tractor and trailer movements, all words after 'Oving' to be replaced with 'be routed along the A259', and
- first paragraph under heading Digestate Lagoon, the word 'removed' to be replaced with 'used'.

210. Resolved – That the minutes of the meeting of the Committee held on 1 November 2016, as amended by the Committee, be agreed as a correct record.

Part II Matters

211. The Committee agreed that all Part II matters should be considered in Part II at the end of the meeting.

Regulation 3 Application:

WSCC/057/16/WH The erection of a solar farm comprising photovoltaic ground mounted panels,

transformers, Distribution Network Operator Building and pole mounted CCTV cameras. The Former Westhampnett Landfill Site, Coach Road, Westhampnett, West Sussex, PO19 7RT.

212. The Committee considered a report by the Strategic Planning Manager (copy appended to the signed minutes). The report was introduced by County Planning Manager who provided a presentation on the proposals, details of consultation and key issues in respect of the application. The following clarification of points was provided:

- The applicant has undertaken to maintain planting to screen housing to north.
- Members need to consider the acceptability of the proposal before them. If they wish to consider a reduction in the number of solar panels a revised scheme would need to be put forward by the applicant.
- The capacity of drainage ditches is considered sufficient to contain surface water run-off. Gaps in ditches will be joined up and bunded and some vegetation and soil will be cleared. A further swale can be placed to the north of the site, if required.
- Highways England is responsible for the ditch along the boundary of Dairy Lane and this has already been cleared and bunded.
- The application is considered a positive use for a site which has few alternative uses.
- The reference number for the Site Layout in bullet point one on Condition 2: Approved Plans is incorrect; the correct reference is 7022761-100 Rev. H, this is the reference on the site plan - Appendix 4.
- Work on the Westhampnett Neighbourhood Plan has begun but has not yet been consulted on and, therefore, has no weight in planning terms.

213. The Chairman used her discretion to allow four speakers to speak against the application. It had become apparent at a late stage that one of the speakers had originally requested to speak when submitting an objection to the application but, due to an oversight, this information was not passed on.

214. Mr Andrew Blanchard, local resident, spoke in objection to the application. The site is larger than Westhampnett, which will result in overdevelopment. The village has had more than its fair share of development – housing, expansion at Rolls Royce, a waste transfer station and travelers site with an HGV testing station and further housing to come. The site is the last green open space in the area. Details were given of the poor communication around the application; this was inadequate and unprofessional. The speed of the application may mean that people buying properties off-plan at Roman Walk might be unaware of the solar farm. The map used in the application does not reflect current housing and neither do the photographs used. The land is not flat as stated in the developer's report. The Flood Risk Assessment does not mitigate the issue of increased surface water run-off referred to in the WSCC Drainage and Flood Risk Consultation. The bund at Dairy Lane was put in place by local residents; there are no plans for mitigation in this area. There are no details of proposed planting. The proposals will not enhance the natural and local environment, contra to the NPPF.

215. Mrs Jean Hardstaff, Vice-Chairman of Westhampnett Parish Council, spoke in objection to the application. The site will have an unacceptable visual impact and intrusion on nearby properties. The site is not flat, meaning the height of solar panels will rise to 7.73 metres in the centre of the site. Planting will not be effective for many years, and is at the lowest point of the site limiting its effectiveness. Panels are higher than structures recommended by landscape consultants. There are existing flooding problems associated with the site and the solar panel anchorage blocks will interfere with absorption. The proposal is contrary to the emerging Neighbourhood Plan. The financial viability of the site is questioned. The application contravenes NPPF paragraph 7 and is contra to Chichester Local Plan, Policy 41. Size and scale is inappropriate in this location.

216. Mrs Linda Lanham, local resident, spoke in objection to the application. A clear assessment of all costs and benefits should be publically available before proceeding because the application is under the auspices of the County Council and, therefore, affects all residents. Compensation should be included for residents affected by loss of value to their properties. Outlook for these properties will be blighted. Six previous landfill sites have been turned into woodland, parkland or farmland. The length of time the site has been dormant means that skylarks, a protected species, are successfully nesting there. It is well documented that people need green spaces for physical health and mental wellbeing. The village has had more than its fair share of development, which has reduced green space and so this site is the last green area in the main part of Westhampnett. This is the right type of project, but in the wrong place.

217. Mr Mike Hall, District Councillor for Lavant, spoke in objection to the application. Westhampnett has suffered enough from a large increase in housing and other development. There is concern that placing a large number of solar panels on the site will damage the clay capping causing a release of methane. There will be a visual intrusion for residents who have to look at the rear of the solar panels and the site will have a significant impact on visual amenity.

218. Mr Jeremy Hunt, local Member for Chichester North, spoke on the application. He supports the County Council's drive to promote renewable energy but is saddened to object to this application because the costs to the residents far outweigh the benefits. Westhampnett has more than doubled in size since 2001 and residents feel their views in relation to planning are not considered. There have been errors in consulting and communicating with residents and the Parish Council on this application; many questions asked at the convened public meeting could not be answered; reports were not available at original closure of the public consultation, and the extension to the consultation was not widely publicised. The Landscape and Visual Impact Statement contains many errors and is clearly flawed: the topography is not flat, it is not relevant to consider the site in context to the wider landscape. Residents will be subject to an ugly view of the rear of solar panels; the visual impact is not 'negligible'. The height of the panels and CCTV poles is far higher than stated in the Landscape and Visual Impact Statement. Details of the many errors and inaccuracies with the photographs were given, noting that they do not show the viewpoint residents will see. The original landscaping proposals would not have been possible due to the extent of the landfill site; this was only realised on 24 November. Planting will not obscure the view due to the rise of the land to the north, and will take years to mature; or it would have to be so dense that it will block light to properties. An alternative would be to build a bund 30 metre into the field and plant on this. This

application should not be compared with those at Tangmere or Lavant Farm, which are on more appropriate sites. The integrity of the site is in question due to the weight of the solar panels.

219. Mr Gareth Hooper of DPP Planning, agent for the applicant, spoke in support of the application. The proposals will generate up to 7mw of electricity on a site which cannot be used for anything else. The move to sustainable energy production is a key strand of Government National Planning Policy, which should be supported unless significant matters outweigh the benefits. The visual impact has been assessed in line with good practice principles by members of the Landscape Institute who have visited the site; the outlook for adjacent properties will alter but it is not considered significantly adverse and it will not impact on the setting of Listed Buildings. Additional landscaping will further reduce the impact and development cannot commence until the planting scheme has been approved. Conditions are proposed to mitigate noise. Proposals are compliant with guidance on electrical generating technology. There are a number of identical schemes operating safely on other former landfill sites across the UK. There will be no significant increase in surface water run-off and existing drainage ditches will be maintained and this, along with other measures, will mean a betterment. The site is not publically accessible and so is not a loss of green space. The impact on ecology has been considered and wildlife will be able to continue to use the site.

220. During the debate the Committee raised the points below and clarification was provided by the County Planning Manager and Solicitor, where applicable:

Costs and benefits

Points raised – The question of availability of the financial details of the proposed development was raised.

Response – Financial viability is only an issue where it may result in a 'white elephant' in poor repair. It is for the applicant to demonstrate that proposals are financially viable and it is understood that this has taken place via WSCC procedures prior to a planning application being made.

Compensation to affected residents

Point raised – The matter of compensation should be addressed.

Response – Compensation is not a material planning consideration.

Topography of the site

Points raised – The site is not flat as stated in the Landscape and Visual Impact Statement. The topography should be viewed in terms of the site itself due to the impact on nearby properties.

Response – This statement was made in the context of the wider locality. It has been made clear in the Planning Officer's report and presentation that the site is not flat.

Emerging Neighbourhood Plan

Points raised – The emerging Westhampnett Neighbourhood Plan identifies the site initially as a nature reserve and later, when conditions allow, for outdoor leisure pursuits.

Response - Chichester District Council has confirmed that the emerging Neighbourhood Plan is at a very early stage and it, therefore, has no weight in planning terms.

Chichester Local Plan, Policy 41

Point raised – It has been stated that the application is contrary to Chichester Local Plan, Policy 41.

Response – Chichester Local Plan, Policy 41 has been taken into account when assessing the application; this is stated in the Planning Officer's report. In terms of visual amenity the Policy relates to residential properties or hard structures right up against other residential properties.

Information provided to residents and the Parish Council

Point raised – Concerns have been raised about failings in the consultation process and information provided to residents and the Parish Council.

Response – It is acknowledged that whilst notices were erected at the opening of the consultation, letters were not sent to residents; this was addressed when additional information was made available and a re-consultation took place. Pre-application dialogue is a matter for the applicant and/or their agent. The County Council, in its separate role as planning authority, can only encourage engagement.

Drainage

Points raised – The slope of the site and the clay cap over the landfill means that surface water does run-off. The site layout should show the resetting of the current soakaways and drainage ditches (restored to their original condition). It must be absolutely certain the surface water will not run-off onto the A27 and exacerbate the existing drainage issues on this section of the road, and it is suggested that an Informative be added to support this. The inclusion of maintenance of drainage systems for the duration of the development to should be added to Condition 3 – Surface Water Drainage, and Condition 4 – Foul Water Drainage.

Response – The applicant provided an updated Flood Risk Assessment which noted that the 4% increase in surface water run-off resulting from the panels can be captured within the existing drainage system. The applicant has provided an indicative outline of swales, bunding and maintenance of the drainage system which the WSCC Drainage Officer is satisfied with. Conditions 3 and 4 can be amended, should the Committee feel it is required.

Glare from the solar panels

Points raised – Whilst Highways England has not raised concerns about glare, it would be advisable to incorporate additional planting of an appropriate degree to the south east corner of the site leading to the pedestrian crossing at Coach Road.

Response – The solar panels are designed to absorb light and heat and are tilted at a 20% angle upwards, towards the sun, and thus away from traffic. An amendment can be made to Condition 5 – Landscaping Scheme, should the Committee feel it is required.

Construction traffic

Points raised – Construction traffic should access and egress from the west and this should be added to bullet point two of Condition 6 – Construction Management Plan. A temporary TRO will be required to prevent parking at the corners of Stane Street and Coach Road for the duration of construction in order to ensure highway safety.

Response – This condition can be amended, should the Committee feel it is required. The application of TROs is addressed within Condition 6 – Construction Management Plan.

Impact on residential amenity

Points raised – There are a very large number of solar panels on the proposed site and they will cause a blight on nearby residential properties. Comments that that the site 'would not be significantly detrimental' and is 'low lying' are subjective.

Response – There is no legal right to a view. Only matters of visual intrusion and impact on residential amenity are material planning considerations. The Planning Officer's assessment is as stated in the report. Westhampnett Parish Council was the only statutory consultee to have raised an objection in this respect.

Details of planting scheme

Points raised – Concern was raised that no details of planting have been provided, and that proposed screening will not be sufficient to screen the site from nearby properties.

Response – It is normal practice that approval of planting schemes is delegated to officers. The development cannot begin until the scheme is approved and neighbours are in agreement. WSCC Landscape Officer is confident that solutions to the matter of screening of the site through planting can be achieved, and that the proposed conditions are satisfactory.

Integrity of the site

Points raised – Concern was raised about the load bearing capabilities of the site, and whether this has been taken into account and also whether the Environment Agency has taken it into consideration.

Response – Various tests have been carried out which confirm the site is stable. The site was closed in 1995 and the waste has now degraded and bedded down. The Environment Agency is satisfied that the site has settled. There is likely to be only very minimal further settlement in future. The structures of the solar panels can be adjusted to accommodate movement, if required.

Electric and magnetic fields

Point raised – Reassurance was sought on the potential impact from electric and magnetic fields.

Response – This is addressed in paragraph 9.23 of the Planning Officer's report.

221. Mr J. Rogers proposed that the item be deferred to allow officers to consider alternatives regarding the site layout for the following reasons:-

- Members seek clarity on the position with regards to the landscaping of the general site, and especially the northern part of the site, due to concerns regarding the visual impact and drainage matters.

The proposal was seconded by Mrs Kitchen.

222. The Committee voted on the proposal to defer the item, the majority voted in favour of a deferral.

223. Deferred - for officers to seek clarity from the applicant on the landscaping options and drainage issues for the site, as raised in Minute 221 above.

Proposed Submission Draft of the West Sussex Joint Minerals Local Plan (Regulation 19 stage)

224. The Committee considered a report by the Strategic Planning Manager, alongside the Proposed Submission Draft of the West Sussex Joint Minerals Local Plan (Regulation 19 stage) - hereafter referred to as the Plan- as amended by the Agenda Update Sheet circulated at the meeting (copies appended to the signed minutes). The Committee were asked to consider and comment on the Plan in order to inform the Cabinet Member for Highways and Transport of the views of Planning Committee prior the submission of the Plan to County Council in December 2016 for approval. Comments are being sought from a strategic viewpoint in terms of the practical application of policies within the Plan. It was noted that the Planning Committee will be expected to give appropriate weight to the Plan once it is approved because applications for planning permission will then be considered against the policies in the Plan.

225. The report and Plan were introduced by Planning and Transport Policy Manager and a presentation given on the background to the Plan; consultations and stakeholder engagement undertaken, including that undertaken with South Downs National Park Authority (SDNPA); substantive changes since Regulation 18 stage – amendments to the boundary of the Ham Farm site (Policy M11), and safeguarding of two temporary wharves at the Western Harbour Arm of Shoreham Port: Kingston Rail Wharf and New Wharf (Policy M10); an overview of the structure and strategies policies within the Plan, and timescales for adoption of the Plan, noting the Plan is due be presented to County Council for approval on 16 December 2016.

226. The Committee made the following comments and raised points, with clarification provided by the Planning & Transport Policy Manager:

Chapter 1: Introduction to Minerals Planning

- No comments.

Chapter 2: Vision and Strategic Objectives

- No comments.

Chapter 3: Minerals in West Sussex

- No comments.

Chapter 4: Spatial Context

- In relation to 4.4 Landscape, Town and Character and 4.5 Biodiversity and Geodiversity, a request was made that stronger emphasis be put on protection of ancient woodland. Officers advised that they are satisfied that policies, including Policy M17 Biodiversity and Geodiversity (Chapter 6), are robust.

Chapter 5: Strategy and Policy Context

- In relation to concern raised about what will happen regarding European Union legislation following the anticipated departure from the European Union, officers advised that the Plan has to be prepared in line with current legislation, but there is a requirement for monitoring throughout its lifetime, which will allow for changes in legislation to be identified and if necessary, for policies to be reviewed.

- In relation to paragraph 5.5.3 it is noted that the adoption of the National Park-wide Local Plan will now take place in 2018, not 2017 as stated.

Chapter 6: Strategic Minerals Supply

- In relation to Policy M10, concern was raised that Shoreham Port requires flexibility in relation in the use of wharves that are to be safeguarded as mineral infrastructure. Officers clarified that discussions have taken place with Shoreham Port Authority and other strategic partners, including neighbouring mineral planning authorities, leading to a Statement of Common Ground on the approach to safeguarding of wharves; it was also clarified that it is proposed that two wharves with temporary planning permission are proposed to be safeguarded for the duration of their planning permission, allowing for regeneration, if applicable, once temporary planning permission has expired.
- In relation to Policy M10 regarding Railway Wharf at Littlehampton Harbour, officers clarified that in discussion with the Harbour Board and operator of the adjacent road stone plant that relies on the wharf for mineral supply, a smaller area of the wharf site has been safeguarded.

Chapter 7: Strategic Minerals Site Allocations

- No comments.

Chapter 8: Development Management Policies

- In answer to a query about the consideration of planning applications in the South Downs National Park, officers clarified that this is covered under Policy M13: Protected Landscape.
- In answer to a query about policies regarding HGV movements it was clarified that this is covered in Policy M20: Transport.
- Policy M20. A request is made to add the following words: ', *including their effect on neighbouring communities*' after the word *network* in Policy M20: Transport (c) (ii). Officers noted that this would duplicate part of Policy M18: Public Health and Amenity.

Appendices A to G

- No comments.

Additional points

- Intensifying of landing of aggregates at Shoreham Port eastern arm will mean that improvements to the road network are required. Officers advised that this falls outside the context of the policies within the Plan. The Plan only safeguards existing sites in the Port to prevent other development from coming forward on these sites which would prejudice the mineral operations; it does not allocate new wharves for minerals development. If new sites come forward which require planning permission, transport assessments would be required for individual planning applications to comply with Policy M20: Transport.

227. Resolved – That the Committee considered the Proposed Submission Draft of the West Sussex Joint Minerals Local Plan (Regulation 19 stage) and that the Cabinet Member for Highways and Transport should be notified of its views on the contents before the Plan is submitted to County Council in December 2016.

228. Committee recessed at 12.31 p.m. and reconvened at 1.02 p.m.

Report on Development Management Performance (1 April 2016 - 30 September 2016)

229. The Committee received and noted a report by the Strategic Planning Manager (copy appended to the signed minutes). The report was introduced by the County Planning Manager who provided a presentation on the information and statistics and staffing pressures contained in the report noting that this is a 6-month report period and comparison is against the previous 12-month reporting period.

The Committee raised the points below and clarification was provided by the County Planning Manager, where applicable:

Impact of staffing issues

Point raised - Should a secondment to Chichester District Council be ended in view of the sickness issues faced by the team? Is the team able to continue to deal appropriately with enforcement matters, despite staffing issues?

Response - Team is managing at current staffing levels. The seconded member of staff will return in February 2017. Temporary contracts for consultants can be considered should a need be identified. The County Planning Manager is confident that the team is aware of and able to deal with enforcement issues.

Rampion Wind Farm

Point raised - In relation to paragraph 3.13 of the report -Rampion Wind Farm, what powers are delegated to officers.

Response - Planning Officers have agreed the outline permission and can amend plans within that and have agreed amendments to construction times. The County Council is acting as a consultee and enforcement falls to the District and Borough Councils. E.O.N. have been proactive in their engagement with the County Council and communities.

230. The Chairman congratulated the Planning Team, on behalf of the Committee, on its performance, which is positive and slightly above the national average. It was noted that the team performance has seen a marked improvement in recent years.

231. The Chairman thanked the Committee for their participation in the process of determining planning applications.

232. Resolved – That the report on the review of the work undertaken by the County Planning Team in relation to the determination of planning applications between 1 April 2016 and 30 September 2016 is noted.

233. Mr Parsons, Mr Barratt-Miles and Mr Crow left the meeting at 1.30 p.m.

Update on Mineral, Waste and Regulation 3 Planning Applications

234. The Committee received and noted a report by the Strategic Planning, County Planning Manager on applications awaiting determination (copy appended to the signed minutes) detailing 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

235. The Committee received and noted a report by the Strategic Planning, County Planning Manager (copy appended to the signed minutes) 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 1 November 2016.

Date of Next Meeting

236. The Committee noted that the next scheduled meeting would be held on Tuesday 10 January 2017 at 10.30 a.m.

Part II

237. Resolved – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings as defined in Part I of Schedule 12A of the Act by virtue of the paragraph specified under the item, and in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

Planning Committee

Summary of Matters discussed in the absence of the Press and Public – 29 November 2016

Appeals Update

(Exempt – paragraph 5, Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

238. The Committee noted a verbal report by the Solicitor who provided an update on matters relating to current planning appeals.