

Unconfirmed minutes – subject to amendment/correction at the next meeting of the Planning Committee

Planning Committee

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

Present: Mrs Brunsdon (Chairman), Mr Crow, Mrs Hall, Mr McAra, Mrs Mockridge, Mr S. Oakley, Mr Parsons, Mr Quinn, Mr J. Rogers, Mr R. Rogers and Mr Wickremaratchi.

Apologies: Mrs Kitchen

Declarations of Interest

246. There were no declarations of interest at this stage of the meeting. Please see minutes 268 below.

Minutes

247. Resolved - that the minutes of the meeting of the Committee held on 7 October 2014 be agreed as a correct record and that they be signed by the Chairman.

Waste Planning Application (County Matter)

WSCC/056/14/UB

Preservation of Horton Clay Pit Site of Special Scientific Interest (SSSI) with imported inert materials and site restoration at Horton Landfill Site, Henfield Road, Small Dole, Upper Beeding, West Sussex, BN5 9XH.

248. The Committee considered a report by the Strategic Manager, Planning (copy appended to the signed minutes). The report concerned an application to protect a SSSI through covering it with inert waste. The report was introduced by the Strategic Planning Manager who outlined the key issues associated with the application and presented amendments to conditions 3, 13 and 22 as contained in the agenda update report (copy appended to the signed version of the minutes).

249. Les Robinson, Planning Consultant spoke in opposition to the application on behalf of MacKay's Industrial Estate and the Small Dole Action Group. Mr Robinson's submission included the points below:

- The cumulative impact of waste disposal operations and the impact in planning terms undermined the acceptability any further applications for continued disposal operations.
- The Planning Committee had previously stated that no further applications for the site were welcomed; restoration should have been completed and the site closed by 2012.
- Infilling of the SSSI should have been included in an earlier application.
- The slow rate of infilling proposed in the application was queried and alternative schemes for the protection of the SSSI should be explored.

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- If the application was approved: the conditions and the section 106 agreement required adequate enforcement; the bulldozer and shovel should not be permitted to operate at the same time; and noise protection at the site should be reinstated to a high standard.
- Adequate mitigation of noise and dust from the site was required due to the nature of the business on the Mackay industrial estate.

250. Christopher Warren, Local Resident, spoke in opposition to the application. Mr Warren's submission to the committee included the points below:

- Clay was still prone to subsidence under load and the filling of the SSSI void would result in flooding and maintenance issues.
- Local communities had been adversely affected by the impact of HGV movements and dust and mud problems for a long time. HGVs had caused local roads to subside and the County Council had not undertaken adequate repairs. A previous routing agreement had been changed without consultation and reported to a meeting of the site local liaison group.
- The County Council had benefitted financially from the operation at Horton and although the application would be lucrative to Viridor the local community would not benefit.
- Noise abatement facilities had been removed from site as part of the restoration and now required reinstatement.
- The Health and Safety Executive, the Environment Agency and the County Council had denied responsibility for the health of local residents to the waste site.
- Previous enforcement of conditions at the site had been weak or non-existent.
- Residents did not feel they had the right of reply to decisions taken by the Planning Committee.

251. Alan Brown, Local Resident, spoke in support of the application. Mr Brown's submission to the committee included the points below:

- The filling of the void on safety grounds was supported but conditions needed to be precisely and rigorously enforced.
- The establishment of a wild flower meadow in the restoration plan would take longer than the term of the proposed development and long term management of the site would be required.
- Restoration to grade 3 agricultural land was more appropriate for the site and a change to Condition 7 to reflect this was requested. Furthermore a Landscape Restoration and Management Plan (LRAMP) should be implemented from the start of tipping with enforcement milestones.
- It was requested that a public right of way be provided across the site and this should be contained in the conditions as compensation to the local community for continued operations at the site.
- Condition 13 should clarify that all equipment should be removed after the completion of operations including signage and safety features.

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252. Laurie Read, Viridor Waste Management Ltd, spoke in support of the application. Mr Read's submission to the committee included the points below:

- Natural England had requested the work to the site to protect the SSSI. It was not feasible to protect the SSSI as an open site and effective preservation involved the covering of the Gault clay. This would include minor clearance operations and progressive infilling with inert material.
- The restoration of the site would involve seeding and landscaping and would be consistent with the restoration of the rest of the site.
- 92,000 m³ of material would be transported to site over a period of one year.
- A reduction in the original proposed working hours had been agreed by the applicant. The application was for weekday working only and the hours of operation were limited to 6.00 p.m. in preference to the original intention to work until 7.00 p.m.
- The lorry routing agreement was intended to avoid HGV movements through the village of Small Dole.
- The application sought to stabilise the SSSI and preserve the content of the site by achieving sustainable drainage. Furthermore the application would restore the land form to ensure a consistency of restoration across the whole of the site.

253. The local member, David Barling spoke on the application. Mr Barling's submission included the points below:

- The site had been a significant burden for the community of Small Dole with adverse impacts upon amenity, including noise, smell and lorry movements from the site.
- The amendment to Condition 3 was welcomed to specify that the waste to be deposited was inert waste only.
- The application would have received a strong objection from Mr Barling if there had not been a routing agreement to the South of the site. However it was emphasised that the route to the South still went through residential areas.
- An amendment to Condition 3 of the application requested that the applicant provide notification of the date of commencement to enable local residents to monitor the 12 month completion requirement.
- There had been problems with enforcement at the site previously.
- A noise bund should be erected as part of the application.
- There was disappointment that there would be no compensation to the local community as a consequence of this further application for the site and a change to the Section 106 agreement was requested to allow for financial recompense to Upper Beeding Parish Council and the local community.
- The provision of a footpath across the site was supported.
- It was important that the development was concluded as soon as possible and that compensation was paid to the local community.

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

- The infilling of the site would be undertaken for a period of 1 year. The 3 year duration of the application was to enable the restoration of the site after landfilling operations ceased.
- The wider landfill site required 60 years' aftercare through the conditions of the previous permission. The current application proposed aftercare of 5 years due to the inert nature of the material that was to be deposited. The inert waste would not settle, as the non-inert waste in the wider landfill would, forming a more stable landform and therefore longer term aftercare was not as crucial for the section of the site contained in the current application. Non-inert waste had been deposited in the remainder of the landfill site which would settle over time and therefore require on-going maintenance and aftercare.
- The prohibiting of the use of the bulldozer and shovel concurrently had been requested by Horsham District Council however the noise assessment carried out at the site had determined that current background noise levels were high at the nearest affected residential properties, and as a consequence the noise emanating from the site would not have an adverse impact on amenity. Condition 11 set noise levels which the applicant must achieve; if those levels were exceeded the applicant would have to submit a noise mitigation scheme.
- The current proposals for the site had not been included in previous applications because Natural England had required the area to be exposed. However, the SSSI had eroded over time so the applicant had worked with a number of independent consultants and had explored multiple schemes to protect the SSSI.
- It must be assumed that monitoring and enforcement at the site would be adequate.
- A Section 106 agreement was considered to address the impacts of HGVs on the local road network but was not appropriate.
- The applicant was required to provide notice of the commencement of the infilling of the site so the 1 year of infilling in particular could be monitored.

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

- The cumulative impact of the site and if the 60 year aftercare condition for the rest of the site would result in further lorry movements and deposits of additional material in the future.
- The length of time for the aftercare of the application site and if this should be extended to 10 years to allow for the adequate monitoring of the drainage and settlement of the site and the replacement of any failed landscape features within restoration plans. It was proposed that Condition 7 be amended to require that any planting undertaken as part of the restoration plan and LRAMP that fails should be replaced.

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- The request for a condition to secure restoration of the land to grade 3 agricultural level and if this was a reasonable request.
- Concern was expressed that the Public Right of Way requested across the site wouldn't link with the existing local network of public rights of way and if the land was to be used agriculturally a right of way could have an adverse impact upon this use.
- Clarification regarding the lorry routing agreement was requested and if the informative in the report was sufficiently robust to secure the routing of lorries. The monitoring of lorry movements from the site needed to be closely monitored to ensure that there was compliance with the routing agreement.
- The segregation of the non-inert waste on the wider landfill site and the inert waste proposed for the infill of the SSSI.
- The emanation of noise from the site and the request that a condition prohibiting the concurrent operation of the Bulldozer and Shovel.
- The construction of a noise attenuation bund on site. It was noted that a fence was in place on site to address noise from operations.
- The possibility of compensation for the local community.

256. To respond to the queries raised during the debate the Strategic Planning Manager and the Director of Law, Governance and Assurance provided the following clarification:

- The aftercare of the wider landfill site required an average of one additional lorry load of inert waste a year to address settlement issues.
- As the SSSI site would be infilled with inert material it was considered that an aftercare period of 10 years was appropriate and it would be unreasonable to apply a 60 year aftercare requirement in consistency with the remainder of the site.
- A requirement to restore the land to grade 3 agricultural level could be required by condition. Under the previous application it was required that the land be restored to agricultural use but without a specific level stated.
- The provision of a footpath across the site had been considered as a condition of the previous permission but it was not considered that this was feasible due to security concerns. The local liaison group for the site could explore the voluntary provision of a right of way with the applicant at a later stage.
- A requirement to replace failed planting could be incorporated into Condition 4.
- Informative A required the signing of the S106 agreement before permission was granted for the development. The routing could not be secured by condition as the lorry route was not within the application boundary.
- A clay cap was in place across the restored section of the Horton site to prevent leachate and other materials from the restored landfill entering the wider environment, and allowing its restoration for agricultural purposes. There would be no cross contamination between the inert waste

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infill areas of the current application and the non-inert areas across the rest of the landfill site.

- Noise surveys undertaken at the site indicated that noise was not a significant issue however Condition 11 could be amended to require the completion of a noise survey after the first month of operation.
- For a bund to be effective a substantial structure would need to be constructed on the North slope of the site which would need to be high, and given the sloping landform, could be structurally unstable. The existing fence on site that was intended to reduce the impact of noise could be upgraded.
- It would be unreasonable for the committee to require compensation to the local community as an element of the decision made on the application as it was not considered justified to off-set any significant impacts.

257. A motion was proposed by Simon Oakley and seconded by Robin Rogers to increase the length of time for the aftercare of the site in Condition 7 to 10 years. The proposed increase would allow for longer term monitoring of settlement and drainage at the site and ensure that failed landscape restoration features could be replaced. The motion was carried by a clear majority of the committee.

258. A motion was proposed by Simon Oakley and seconded by John Rogers to require the inclusion of the following wording into Condition 7 – *Once approved, the scheme shall be implemented in full in the first planting season (November – February) following the commencement of the development. Any plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing to the County Planning Authority.* The motion was carried by a clear majority of the committee.

259. A motion was proposed by Simon Oakley and seconded by John Rogers to amend Condition 7 to require that the restoration of the site would be undertaken to grade 3 agricultural level to ensure that the land would be restored to agricultural use consistent with the remainder of the site. The motion was carried by a clear majority of the committee.

260. A motion was proposed by Robin Rogers and seconded by Trixie Hall which sought a change to Condition 10 to include the following wording - *and the construction of a noise attenuation bund on the site, plans of which would be submitted in writing to the County Planning Authority before the commencement of the development.* The motion was defeated by a clear majority of the committee.

261. A motion was proposed by Lionel Parsons and seconded by Trixie Hall which required the completion of a noise monitoring survey on site within one month of the commencement of the development and thereafter every three

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months to monitor effectively the impacts of noise on the local community. The motion was carried by a clear majority of the committee.

262. A motion was proposed by Simon Oakley and seconded by Sujan Wickremaratchi to Condition 13 to include clarification that the existing fencing and any signage would be removed from the site upon completion of the restoration of the site and that all removals would be completed within 3 years from the commencement of the development. The motion was carried by a clear majority of the committee.

263. The officer recommendation, including the changes on the update sheet and the amendments contained in minutes 257, 258, 259, 261, and 262, was proposed by Robin Rogers and seconded by Lionel Parsons. The committee voted unanimously to approve the application subject to the agenda update sheet and amendments.

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

- (a) The conditions and informatives in Appendix 1 of the report;
- (b) The completion of a Section 106 Agreement concerning the routing of HGVs to and from the application site;
- (c) The updates to the conditions contained in the agenda update sheet; and
- (d) The amendments contained in minutes 257, 258, 259, 261, and 262 above.

Regulation 3 Application

WSCC/063/14/WB

Construction of 2 storey performing arts building, 2 storey teaching block, 2 storey design technology block, single storey sports hall extension, new car park for 80 cars and 2 temporary classroom blocks for duration of works at St Andrews C of E High School for Boys, Sackville Road, Worthing, West Sussex, BN14 8BG.

265. The Committee considered a report by the Strategic Planning Manager (copy appended to the signed minutes). The report concerned an application to develop and enlarge teaching facilities at a school in Worthing. The report was introduced by the Strategic Planning Manager who outlined the key issues associated with the application and presented an additional Condition 15 concerning drainage contained in the agenda updated report (copy appended to the signed version of the minutes).

266. Tina Scott, a local resident, spoke in opposition to the application. Ms Scott's submission to the committee included the points below:

- There had been a lack of publicity concerning the consultation events that had taken place on the school site to consider development plans.

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- It was disappointing that the planned arts and music block would be two storeys high which would have a significant impact upon lighting levels in the morning.
- The claim that noise impacts would be minimised as the ventilation system precluded the need to open the windows was doubted.
- Assurance was sought that the new facilities would not be used in the evening or at weekends.
- A proposal for the planting of trees in a three metre gap between the new block and neighbouring gardens was opposed due to the impact on natural light and problems associated with leaves and roots.
- Throughout the period of construction neighbouring residents would be adversely impacted by the effects of dust and noise.
- It was acknowledged that the school needed to expand but it was proposed that the arts and music block was redesigned as a single storey building.

267. David Mulvagh, a local resident, spoke in opposition to the application. Mr Mulvagh's submission to the committee included the points below:

- There were significant concerns regarding the traffic around the site and the noise involved with the development.
- The traffic assessment presented with the application was challenged; it was not felt to provide an accurate analysis of traffic movements in the locality. Congestion and problem parking occurred in the area at peak times.
- A routing for HGVs accessing the site had been requested previously and a condition was felt to be necessary as part of any permission to regulate lorry movements in order to protect pedestrians accessing the school.
- Tree planting around the boundary was requested.
- Traffic movements around the school needed to be re-examined and greater parking controls and an HGV routing agreement to site required as part of the permission.
- A dust suppression scheme during construction was also required.

268. Robin Rogers declared a personal interest as an acquaintance of Mr Mulvagh.

269. David Seaman, the Architect, spoke in support of the application. Mr Seaman's submission to the committee included the points below:

- The traffic assessment concluded that the increased pupil numbers would result in an increase in car movements but these would not be during peak hours and the impact on roads and junctions at peak time would not be excessive. The school had good cycle and footway links and was close to a railway station which would help reduce journeys to school by car. The additional movements and parking impacts were satisfactory to the Highways Authority which had not raised an objection to the proposals.

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- The noise impact assessment that was undertaken on the plans recommended mechanical ventilation in preference to air conditioning. Mechanical ventilation set the internal temperature in buildings to the same temperature outside so there was no benefit to the opening of windows.
- The acoustician commissioned to undertake the noise survey concluded that there would not be a significant problem with noise breakout.
- It was acknowledged that there was an impact on local residents who lived at properties neighbouring the site but the arts and music building had been designed to be single storey at the boundary with neighbouring gardens, inclining to 2 storeys away from the boundary. This was intended to mitigate the impact of the building on light levels in neighbouring properties and Velux windows only were provided on the second floor of the building facing neighbouring properties to ensure homes were not overlooked.

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

- A condition to restrict usage during evenings and at the weekend could be considered unreasonable particularly as the noise assessment raised no concerns and the modern design of the building mitigated such impacts. Schools were regularly used out of hours and such a restriction would be considered unreasonable.
- Condition 4 contained landscaping requirements; the comments of local residents could be incorporated into the final landscaping scheme.
- The Highways Authority had no concerns or objections with the application and its impact on the local road networks.
- Condition 6 contained a requirement for the submission of a construction management plan but the routing of construction vehicles was not considered reasonable.

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

- The location of the music room and the impact of noise on local residents.
- The effectiveness of the mechanical ventilation system. Members queried the noise impacts that would result when windows were open in hotter months of the year.
- The location of the Plant Room and if a noise survey had been conducted on this part of the building.
- Congestion and traffic problems occurred at schools across the county and in the case of St Andrew's were not considered disproportionately severe. In applying the 'severe' test from the National Planning Policy Framework to the application an objection on transport grounds was not reasonable.
- The suitability of the construction access from Marston Road was raised. The width and suitability of the Marston Road entrance for large vehicles to access the site was questioned and if a tracking plan had been undertaken at the site.

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- Concern regarding the surface and drainage capabilities of the new staff car park and the ease of maintenance.
- Landscaping around the site and the preferences of local residents for trees or hedges.

272. The Chairman used her discretion to allow the architect to speak again to provide clarification on the mechanical ventilation system.

273. 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 art room was located on the first floor, the music room on the ground floor.
- The mechanical ventilation system would adjust the temperature in the building to the same external temperature therefore there would be no benefit to the opening of windows.
- The Plant Room was in the heart of the existing building.
- A tracking plan was not considered necessary by the Highways Authority for the site entrance.

274. The officer recommendation, including the changes on the update sheet was proposed by Gordon McAra and seconded by Robin Rogers. The committee voted by a clear majority to approve the application subject to the update and amendments.

275. Resolved – that planning permission is granted subject to the conditions and informatives set out in appendix 1 of the report.

Update on Mineral, Waste and Regulation 3 Planning Applications

276. 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

277. 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

278. The Committee noted that its next scheduled meeting would be held on 2 December 2014.

The meeting closed at 1.09 p.m.

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Chairman