

**Planning Committee**

24 June 2014 - At a meeting of the Committee held at 10.30am at County Hall, Chichester.

Present: Mr Barrett-Miles, Mrs Brunsdon (Chairman), Mr Clark\* Mrs Duncton\*, Mr Crow, Mrs Hall, Mrs Mockridge, Mr S. Oakley, Mr Quinn, and Mr R. Rogers

Apologies: Mrs Kitchen, Mr McAra, Mr Parsons, Mr J. Rogers, and Mr Wickremaratchi provided apologies. \*Mr Clark and Mrs Duncton acted as substitutes.

**Chairman's Welcome**

90. The Chairman welcomed all to the meeting.

**Declarations of Interest**

91. There were no declarations of interest.

**Minutes**

92. The Chairman referred members to the minutes on to a request for an amendment to minute 60 (bullet point 2) as set out on the agenda update sheet (copy appended to the signed minutes) from Mrs Betteridge:

- Amenity impact of traffic noise. There are proposals for acoustic barriers at Rodney Crescent in Ford. Yet there were no measurements for noise by Grundon or WSCC in Climping including for residents living close to road in Church Lane. There is a house with outer wall and window just 3 m away from road. Also many homes in Church Lane were listed and therefore could not be considered for double glazing. The health impact of this had not been considered.

93. Members considered the proposed edits and agreed to accept them.

94. The Chairman had also requested an update to minute 82, set out on agenda update sheet (copy appended to signed minutes) where a seconder had incorrectly been identified. The Committee accepted this changed and the minute now reads:

- "82. The Committee proposed and seconded a deferral. The Chairman requested members vote on deferral of the application. The vote was carried 8 for, 4 against."

95. Resolved that with the agreed edits to minutes 60 and 82 the minutes of the meeting of the Committee held on 3 June 2014 be agreed as a correct record and that they be signed by the Chairman.

## Minerals Planning Application (County Matter)

**WSSC/012/14/SU** Extension of temporary permission to 27 September 2020 for aggregate processing and storage and concrete plant at New Wharf, Shoreham BN43 6RN.

96. The Chairman outlined the procedures for those registered to speak and introduced the officers present. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes).

97. Jane Moseley, Principal Planner, introduced the report and presented the key issues (presentation appended to the signed minutes).

98. Mr Luke Perkins spoke in opposition to the application. Key concerns were:

- Did not understand why the officer recommendation had changed from refusal to approval in three weeks based upon a late email from Shoreham Port Authority that arrived a week after publication of the previous committee report.
- The relevant policy documents all say there is no need for the use.
- There were a large number of residential properties to the south of the site which were affected by noise and dust from the site.
- A condition attached to the application required a 'cessation of loading in high northerly winds'. This was to prevent dust travelling to the properties located to the south of the application site but this was not enforceable.
- Suggested condition 2 is poorly drafted and the terms of the Environmental Management Plan (EMP) are unenforceable, imprecise and will not be subject to public consultation.

99. Mr Ashley Veit spoke in opposition to the application. Key concerns were:

- The fact that there were no other sites available for the applicant to move to within the port until at least 2018 should not form part of the decision making process.
- The report stated that there was not an ongoing identified need for marine-dredged aggregates to be located on the application site and the West Sussex Local Aggregates Assessment and Wharves Railheads Study from February 2014 concluded that there was not an ongoing need for the aggregate capacity at the New Wharf site.
- The report states that planning permission could be granted until 2018 as it is unlikely that residents will be living in adjacent properties until then but fails to acknowledge the large number of residents living some 95 metres away in three storey blocks of flats. There is clearly an unacceptable impact on current neighboring amenities. The written objections from local residents support the fact that there is a current identified problem.
- Condition 7 states that the delivery of aggregates must be by sea but records from Shoreham Port indicate that the last vessel to be berthed on this wharf was in September 2013. West Sussex Highways had not

objected to the application but were under the impression? that the aggregates were arriving by boat.

- Adur District Council planning officers had made representations to show that there is a clear environmental impact with the delivery of aggregates by road. The heavy lorries are clearly causing damage to the highways of West Sussex and are causing congestion problems as they negotiate the small roundabout to the western end of Shoreham High Street.
- Mr Veit then showed a short video that outlined the current disturbance to local residents.

100. The local Member Ms Debbie Kennard was unable to attend the meeting so the Chairman reported her objection to the application for the following reasons:

- The residents' complaints about noise and dust
- To support Adur District Council's objections to this application as the local member for the area.

101. The Chairman invited Ms Moseley to address the points raised:

- The Wharves and Railhead Study did not foresee a long term need for this site to manage marine dredged aggregates as there was capacity elsewhere within the harbour.
- The Shoreham Port Authority response had to be given weight as they manage many of the sites within the port area and prepare the Masterplan so are aware of other uses and landowners.
- The condition relating to dust was standard but could be tightened up as part of the approved plan prior to the commencement of this permission.

102. The Chairman explained the process for the debate. Member comments were invited which included that:

- Further clarification on the Wharves and Railhead Study was needed as it stated that there was not a need for marine dredged aggregates but report says there is.
- Confirmation that there was no other site for the applicant to move to within the port should permission be refused.
- Confirmation of the Planning Inspectorate decision on residential amenity.
- The port had made a commitment not to dredge so this would lead to more traffic by road as ships would not be able to access the wharf.
- Shoreham Port Authority only owned 60% of the land in the port and there were other sites available for the applicant to move to. It was felt that they could comfortably locate with a company with a similar business.
- Confirmation on how much material was arriving by road.
- Adjacent businesses frequently complained about the impact of dust.
- If permission were to be refused where would the aggregates come from?
- Would the loss of the site after December 2015 have a significant effect on capacity for aggregates to outweigh the impact on residents?

103. The officer responses were:

- Shoreham Port Authority had identified a shortage of suitable ships to bring materials to site so the operator was temporarily importing them by road. This was not a material consideration as it had to be assumed that they would operate in accordance with the permission granted.

- The Wharves and Railhead Study looked at the long-term need for wharfage capacity within the harbour and confirmed that there was no theoretical need for the application site in the long-term.
- Shoreham Port Authority had confirmed that there was no other site available for the applicant to move to should permission be refused but the applicant had been exploring possibilities with alternative land owners. A meeting had taken place following the dispatch of the Committee papers between the Port Authority, Adur District Council and the applicant to discuss relocation.
- Only outline planning permission had been granted for residential development on the adjoining site and occupation was unlikely before 2018. Adur District Council officers and County Council officers considered 2018 to be a suitable end date for the cessation of operations on the application site.
- The Joint Area Action Plan (JAAP) recognised that the western end of the harbour would be regenerated so operations like that at New Wharf would move to the central basin of the harbour but there would be a period of transition that would depend upon market conditions and other economic factors.
- The applicant had previously applied for permission until December 2015 but the Committee agreed permission until December 2014. The applicant appealed and the Planning Inspectorate granted permission to December 2015 as the short term residential impact, prior to regeneration, was not significant and if the site was vacated another similar operation or general industrial use could begin.
- When the original permission was granted in 2009, there was an assumption that the harbour transition would progress more quickly than has actually happened. Members needed to consider whether the operations on site should continue to 2020 (as requested by the applicant), 2018 (as recommended by officers) or to some other appropriate end date.
- If the application were refused the aggregates would likely go to Newhaven or Portsmouth as they are sea dredged and from where they would have to be brought in by road.
- If it was found that all aggregates were coming in by road then enforcement action could be taken but appropriate and proportionate taking account of environmental and other harm. However, this was not material to the determination of the application.
- The indication in the Annual Monitoring Report was that 1.02 million tonnes of sea-dredged aggregates were landed at West Sussex Wharves so the 120,000 tonne throughput the site provided was not significant.

104. Refusal of the application was proposed and seconded. The vote was tied 5 for and 5 against. The Chairman used her casting vote.

105. Resolved that the application was refused for the following reasons:

1. The applicant has failed to demonstrate (a) that suitable, alternative sites within Shoreham Harbour would not be available after December 2015 and (b) that the continued use of the site after that date is necessary. Accordingly, the proposal would undermine the regeneration of Shoreham Harbour, contrary to Policy JAAP 11 of the draft Shoreham

Harbour Joint Area Action Plan (2014), Guiding Principles SO2, SO4, SO8 and SO9 of the Western Harbour Arm Development Brief (2013), Policy 8 of the Revised Draft Adur Local Plan (2013), and paragraphs 14, 17, 22, 57-58, 109, 122-123, 143-145, 176, and 178-179 of the National Planning Policy Framework (2012).

2. The continued use of the site after December 2015 would result in harm to the amenity of existing residents through noise, dust, and lighting, contrary to paragraphs 17, 109, 122-123, and 176 of the National Planning Policy Framework (2012).

106. The Chairman adjourned the meeting at this point for a comfort break. Mr R. Rogers left the meeting at this point. The meeting reconvened at 12pm.

## **Waste Planning Application**

### **WSCC/018/14/NH**

Proposed Waste Transfer Facility to handle inert and non-inert waste with associated open air inert waste recycling operations, landscape improvements and vehicle parking Former Wealden Brickworks (Site HB), Langhurstwood Road, Horsham, West Sussex, RH12 4QD.

107. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes).

108. Sam Dumbrell, Senior Planner introduced the report and presented the key issues (presentation appended to the signed minutes). Mr Dumbrell also presented an update sheet (copy appended to signed minutes). Members were advised that this did not materially affect the officer recommendations.

109. Mr Joe Lamberty from the Langhurstwood Road Residents Association spoke in opposition to the application. Key concerns were:

- The effect of proposed and existing developments on the residents on the Brickworks site.
- Main issue for the residents was the increase and cumulative effect of Heavy Goods Vehicle (HGV) movements on the road from the site as a whole and the effect this has on their quality of life.
- There had been no attempt made by the agent or applicant to contact residents to try and alleviate their concerns. There had also been no proposal to form a liaison group which the residents would welcome.
- Britaniacrest should be restricted to only taking waste from West Sussex and not from across County borders.
- No consideration had been given to rail delivery of material which could be undertaken as a joint venture with Biffa as part of the RDF (Refuse Derived Fuel) contract being decided by the County Council at the moment.
- A full traffic assessment should be undertaken as the site is in a traffic sensitive area.

- A proposal for a residential and retail development which would result in the closing off of Langhurstwood Road from the A264 was out for consultation by Horsham District Council until 27 June and he urged the Committee to defer the decision until after this date.

110. Mr Chris Herbert from SLR Consulting, the agents, spoke in support of the application. Key concerns were:

- This was a brownfield site allocated in the Waste Local Plan (WLP) as suitable for waste management capacity in West Sussex.
- The applicant already has a site in Surrey that takes waste from West Sussex.
- Traffic issues had been addressed as part of the outline B2/B8 permission but this application would generate fewer movements than allowed in the outline permission.
- The site had been examined by two Planning Inspectors and was considered by both to be acceptable for industrial use.

111. The Chairman invited the local member Peter Catchpole to speak on the application. Mr Catchpole's key points included:

- There was an expectation that the applicant should have spoken to residents to try and resolve their concerns but this had not happened and boded badly for the future.
- Empathy for the residents who were all families and had been in an ongoing dialogue with them for some time.
- All the waste for the site comes in via Langhurstwood Road which causes undue suffering to the residents.
- Each previous planning application had been looked at in isolation and the cumulative effect of increased HGV traffic was not considered.
- Currently 392 HGV movements per day associated with the Biffa operation and this would add another 260 so could potentially be 600 per day which is practically one per minute which has a significant impact on the houses and lives of the residents.
- Many discussions had been had about the cumulative effect of the HGVs but cannot be dealt with in planning process and promised mitigation measures had not been forthcoming – road widening or adaptations to houses.
- Urged the Committee to review the opening hours. He suggested 8am to 4pm Monday to Friday and 8am to 12pm on a Saturday which would give reasonable access.
- Requested that the cumulative effect of the HGVs using the site as a whole be examined as this has the most significant impact on residents.

112. The Chairman invited Mr Dumbrell to address the points raised:

- The applicant had provided an assessment on deliveries of waste by rail. It was not considered practical due to the significant costs and agreements with Network Rail involved and the numerous origins of waste types as well as destination of waste types/products, it being subject to market demand. A lack of waste handling facilities elsewhere would potentially involve double handling elsewhere as waste handling facilities would need building both at the application site and another/other location/s.

- The proposed mixed use development in this area could result in a new road being built and Langhurstwood Road becoming a cul-de-sac but it was not possible to delay determination of this application as it could be years until a scheme comes forward.
- The Environmental Health Officer at Horsham District Council was content with the proposed operating hours and assessments of noise. The proposed operating hours were much less than those granted as part of the outline B2/B8 use permission although the hours that HGVs could access/depart the site were slightly more generous on Saturdays with this proposal, starting at 07:00 rather than 08:00. The 07:00 start time was the same as that permitted on the wider Warnham and Wealden Brickworks site.
- The traffic assessment factors in HGV movements on the wider Warnham and Wealden Brickworks site with the B2/B8 use involving more HGVs and LGVs than this proposal.
- It was not considered that there would be any adverse HGV noise or vibration effects on the properties on Lanhurstwood Road south of the site.
- When approving the MBT planning permission (WSCC/055/09/NH), on the wider Warnham and Wealden Brickworks site Planning Committee (on 01/12/09) had asked that the North Horsham CLC be asked to look at surfacing and speed limit measures along Langhurstwood Road on behalf of the local member and local residents, using TAD monies. This was subsequently put on hold in 2010 when some residents asked WSCC planners if the monies could be used toward the installation of the acoustic fencing (installed 2014) along the A264. Although this was not directly a 'planning' decision, WSCC planners had done all they could through liaising with residents and internal channels to get this expedited, as a form of mitigation against increased traffic noise on the A264 close to their properties.

113. Member comments were invited which included that:

- A liaison group should be formed to facilitate engagement with the residents.
- Suggested that TAD contributions should be explored to mitigate the effects of the increased HGV movements on sustainable travel.
- Concern about HGVs accessing the site on Saturdays

114. The officer responses were:

- TAD contributions had been sought but not secured for the outline B2/B8 outline permission (a Horsham District Council planning matter) after an appeal as there was no justification and appropriate schemes in the area would have to be identified and it was not felt that there were any suitable at present.
- Saturday opening hours beyond 13:00 until 18:00 were required for housekeeping only to prepare for the following week. No HGVs, waste related operations or importation/exportation of wastes/products would take place.

115. Mr Oakley proposed the addition of an informative for the applicant and the County Council to enter into a dialogue to seek a TAD contribution related to sustainable transport matters. The vote was lost 2 in favour to 6 against.

116. The Chairman proposed an additional condition to ensure that a liaison group was formed (standard wording to be agreed). Mr Clark seconded the proposal. The vote was carried unanimously.

117. Mrs Duncton proposed, seconded by Mrs Mockridge, that planning permission be granted. The vote was carried unanimously.

118. Resolved – that Planning Permission be granted subject to the conditions and informatives in appendix 1, the correction to condition 22 (Saturday HGV numbers and times) and the amendment above.

119. The Committee adjourned for lunch. The meeting reconvened at 1.50pm.

### **Waste Planning Application**

**WSCC/21/14/SP**            Amendment to approved scheme to import inert waste to create landscape features at Knepp Castle, West Grinstead, RH13 8LJ.

120. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes).

121. Jane Moseley, Principal Planner introduced the report and presented the key issues (presentation appended to the signed minutes).

122. Member comments were invited which included that:

- This was a commercial decision which could have a potentially negative impact on the residents.
- Possibility that more inert waste would have to be imported to cover the increase in clay excavated.

123. The officer responses were:

- The excavated clay would be used in the construction of the Broadbridge Heath roundabout associated with the west of Horsham development.
- The applicant would have to backfill to compensate for the increased excavations and this would result in more HGV movements.

124. Mrs Duncton proposed, seconded by Mr Oakley, that planning permission be refused. The vote was carried unanimously.

125. Resolved – that Planning Permission be refused for the reasons set out in Appendix 1 of the report.

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

126. The Committee received and noted a report by the Director of Communities Commissioning 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**

127. The Committee received and noted a report by the Director of Communities Commissioning (copy appended to the signed minutes) regarding applications approved subject to conditions under the Town and Country Planning Act 1990 and Regulation 3 of the Town and Country Planning General Regulations 1992 since the Planning Committee meeting on 3 June 2014.

## **Regulation 3 Application**

**WSCC/022/14/FP**      New two-storey, 12 classroom teaching block, extension of the existing office accommodation, extension of the existing hall, increase of car parking area and other ancillary works Downview Primary School, Wroxham Way, Bognor Regis, PO22 8ER.

128. The Committee received a report from the Strategic Planning Manager (copy appended to the signed minutes).

129. Chris Bartlett, Planner introduced the report and presented the key issues (presentation appended to the signed minutes).

130. Member comments were invited which included that:

- The current school site was being expanded and the surrounded road network had the capacity to absorb the increase in traffic.
- A canopied waiting area provided for parents to protect them from the elements whilst waiting for their children, particularly if they had walked to school was discussed. However, this was not included in the planning submission and could not be taken forward as a requirement.

131. Mrs Duncton proposed, seconded by Mrs Mockridge, that planning permission be granted. The vote was carried unanimously.

132. Resolved – that Planning Permission be granted subject to the conditions and informatives in Appendix 1.

## **Date of Next Meeting**

133. The Committee noted that its next scheduled meeting will be held on 22 July 2014.

The meeting closed at 14.37