

Planning Committee

28 February 2017 - 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, Mrs Mockridge, Mr S. Oakley, Mr Patel, Mr Quinn, and, Mr R. Rogers.

Apologies: Mr McAra, Mr J. Rogers and Mr Wickremaratchi

Substitutes: Mr Patel

Part I

Declarations of Interest

270. In accordance with the County Council's code of conduct Mr Crow and Mr Quinn both declared a personal interest as members of Crawley Borough Council which is a consultee on Planning Application WSCC/051/16/CR (Item 4ii).

Minutes of the meeting of the Committee held on 10 January 2017

271. Resolved – That the minutes of the meeting of the Committee held on 10 January 2017 be agreed as a correct record.

Part II Matters

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

Regulation 3 Application:

**WSCC/062/15/R Installation of an external play area.
Summerlea Community Primary School, Windsor
Drive, Rustington, West Sussex, BN16 3SW**

273. 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 additional points of clarification were provided in addition to information in the report, as follows:

- The application is retrospective and the play area has already been installed but this is not a material consideration in the determination of the application.
- The application relates solely to the sealed areas (blue soft tarmac and gravel area). The play equipment does not require express planning permission. Paragraph 4.5 on p14 of the report is unfinished; it should state 'on this basis, the play equipment and the hard surfacing beyond the application site has permission via permitted development rights'.

274. Helen Morris, Head Teacher at Summerlea Community Primary School, spoke in support of the application. The application area, which is not a play area, is used as a free flow area by reception children, aged 4-5 as part of their curriculum. The statutory early years curriculum places emphasis on daily outdoor experience as well as indoors learning, and allows freedom to learn, explore and be active. Limiting access to this outdoors area would be detrimental to the curriculum and the children's' wellbeing. The area is used five days per week, term time only from 9.15 a.m. to 10.15 a.m.; 10.30 a.m. to 11.30 a.m. and 1.15 a.m. to 2.30 a.m. Children are supervised by a minimum of two adults. Proposals to limit the number of children to 30 at any time are not feasible or enforceable; it is very unusual for all Reception children to be outdoors at the same time. It is not possible to relocate the application area due to cost and disruption; keeping it where it is will ensure the continued safety of the reception children whose learning areas are away from the entrances to the school. Noise differs on a daily basis at the school, but the acoustic fencing has been successful.

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

Acoustic fence

Point raised – Is the acoustic fence permitted development or part of the application? And, if it is part of the application should the application include a requirement for hedging to soften the visual impact of the fence?

Response – Permission for the fence was granted in 2016.

Noise

Points raised – Even if the application for the sealed surface areas is not granted, children can still use the area itself without any restrictions, so there will still be the same levels of noise.

Response – The play equipment does not require planning permission, and could be placed on grass if the school wished. The children could be outdoors in this area with or without play equipment or a sealed surface.

276. The substantive recommendation, proposed by Mr Rogers and seconded by Mr Patel, was put to the Committee and approved unanimously.

277. Resolved – That planning permission be granted subject to conditions and informatives set out in Appendix 1 of the report, as agreed by the Committee.

Waste Planning Application (County Matter):

WSCC/051/16/CR Retrospective permission for one weigh station and portacabin office, and erection of one HGV canopy, widening and part sealing of the access road and installation of a wheel wash. Rivington Farm, Peeks Brook Lane, Shipley Bridge, Crawley, West Sussex, RH6 9SR

278. 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 additional

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points of clarification were provided in addition to information in the report, as follows:

- Since the photograph was taken, which shows stockpiles of aggregates along the access road, these stockpiles have been removed. If permission is granted these areas, marked in blue on Appendix 5 of the Committee report, would need to remain clear.
- The canopy extends out from existing farm buildings of the same height or larger.
- Initially, objections were received from Crawley Borough Council and Gatwick Airport Limited but both have removed their objection since the proposal was amended and the scale was reduced. Remaining concerns are as noted in the report.
- The Agenda Update Sheet tabled today presents amendments to conditions 6 and 7. New 'Surface Water Management' and 'Foul Water Management' drainage conditions are also proposed, as is new condition for 'Control of Lighting' because these were not included in Appendix 1, conditions and informatives.
- Item 7.12 of the report is incorrect; WSCC Councillor, Richard Burrett has objected to the application.

279. Mr John Pearce, representative for the Residents' Group of Peeks Brook Lane, spoke in objection to the application. The Committee is being asked to rubber-stamp damage already caused by United Grab Hire and their customers. Homes, cars and environment are constantly covered in dust, which residents have to breathe. In wet weather mud blocks drains and makes the Lane dangerous. Verges, ditches and road surface have been damaged. Water from the wheel wash will cause drainage problems. Diesel pollution is a concern. 277 movements have been counted in one 14 hour period. Sealing and widening the access road will allow the applicant to increase their business and HGV activity further without any restrictions. Despite the sealed road, mud will still be dragged onto the Lane because HGVs mount the verges. Residents suffer loud banging noises from empty HGVs. Homes are devalued. Loads are uncovered, so the applicant does not comply with its own best practice. The applicant has consistently not complied with enforcement notices, so what is to show that they will comply with proposed conditions. 166 complaints have been made to the Environment Agency. Enforcement action is not being taken. Elderly and disabled residents are put at risk whilst gathering evidence. If the application is approved United will never move their access.

280. Richard Burrett, Member for Pound Hill spoken on the application. There are different application descriptions on the agenda and report. Regarding item 7.12 of the report, Mr Burrett's objection dated 19 October 2016 supported the objection submitted by Crawley Borough Council at the time (since withdrawn). It was stated that unauthorised expansion of the site has led to far more intensive use of the site than previously envisaged, leading to serious detrimental effects on the lives of nearby residents. Some aspects of the (then current) application could mitigate some effects but expansion would only exacerbate negative effects. Regarding the application as it currently is, access should be re-routed to the south onto Antlands Lane, which is more suitable to HGV traffic. The proposed sealed part of the current access road will only go so far in mitigating the effects on Peeks Brook Lane, and approving the application will serve to perpetuate the

continued usage of the Peeks Brook Lane access. HGV loads should be covered, as per item 9.11 of the report, and required by condition; enforcement will be difficult, so active co-operation by site management is required. It is questioned why enforcement of breaches of planning control is not part of the application.

281. The County Planning Manager and Solicitor provided the following points of clarification in response to matters raised in the speakers' presentations:

Description of the report

Point raised – There are different application descriptions on the agenda and report.

Response – This is an error. The report contains the correct description, which has changed since application was originally received.

Alternative options for a site access

Point raised – Why has the possibility of an access to the south of the site onto Antlands Lane not been explored.

Response – The applicant has authority to operate the site using the current access under the Lawful Development Certificate so we cannot require an applicant to use an alternative route. This application does not seek approval for any alternative access.

Condition to require HGV Loads to be covered

Points raised – HGV loads should be covered, as recommended in item 9.11 of the report. Condition 8 'Prevention of Mud and Dust from Entering Highway' should be amended to include this. Members supported this.

Response – It is agreed that this condition should be amended.

Lack of restriction on HGV throughput

Point raised – Can restrictions be imposed on HGV throughput?

Response – Under the existing Lawful Development Certificate there are no restrictions on hours of operation and HGV throughput so it would be unreasonable to introduce these for the part of the site the subject of this application.

Outstanding enforcement matters

Point raised – What is being done regarding enforcement matters?

Response – As noted in item 3.2 of the report, Crawley Borough Council has taken enforcement action regarding stockpiles and bunds to the north-west of the site. These are outside the application site. In relation to enforcement regarding bunds along the access road and around the site, plus other unauthorised matters within the site, this will be taken up following the determination of this application. Planning Officers do monitor and visit the site frequently.

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

Compliance with planning conditions

Points raised – The Committee has the authority to consider if conditions are likely to be enforceable. The applicant has a history of non-compliance with planning control. What is to ensure that they will comply with the proposed conditions and act in good faith?

Response – It cannot be assumed that the applicant will not comply with the proposed conditions.

Impact of HGVs on Peeks Brook Lane

Points raised – The impacts of HGVs on Peeks Brook Lane can be clearly seen. Can the applicant continue to provide road sweeping services to help keep Peeks Brook Lane clear of mud and dust?

Response – As noted above, under the existing Lawful Development Certificate there are no restrictions on hours of operation and HGV throughput. These cannot now be introduced for part of the site. Amongst the commercial operations using Peeks Brook Lane as a route are the Farm, other waste sites in Surrey and an airport car park parking company. There is no requirement for the applicant to provide road sweeping services but should the applicant wish to do so there are no restrictions on how often they do this.

Length of time the site has been in operation

Point raised – How long has the site been in commercial operation.

Response – The land was originally part of Peeks Brook Farm, so a commercial operation. The Lawful Development Certificate was granted in January 2010 confirming use of land, as defined on the Certificate had been undertaken for a continuous period of more than ten years at that time.

Drainage

Points raised – The drainage report states that current guidance requires any design to comply with the 100 year predicted event with an allowance of 40% for climate change; this should be included in the new conditions for 'Surface Water Management'. It should be explicit within the new condition for 'Foul Water Management' that water from the wheel wash should not discharge in the foul water system. Both conditions should be amended to require that drainage schemes be submitted within 3 months.

Response – It is agreed that this condition for 'Surface Water Management' should be amended. Because the wheel wash is part of the site, this is adequately covered in the new condition for 'Foul Water Management'.

Noise caused by empty HGVs

Point raised – Can anything be done to reduce noise caused by empty HGVs?

Response – As noted above, under the existing Lawful Development Certificate there are no restrictions on HGV movements, and this includes empty HGVs.

General

Point raised – Sympathy was expressed in relation to noise and impact on residents; however, it is recognised that the confines of the application and the existing Lawful Development Certificate, limit what the Committee is able to do.

283. The Committee approved delegation of authority to the Strategic Planning Manager to revise the wording of the following: condition 8 'Prevention of Mud and Dust from Entering Highway' to incorporate a requirement for HGV loads to be covered; new conditions for 'Surface Water Management' and 'Foul Water Management' to be amended to require that drainage schemes be submitted within 3 months; and the new condition for 'Surface Water Management' to

include an additional bullet point requiring any design to comply with the 100 year predicted event with an allowance of 40% for climate change.

284. The substantive recommendation, as amended by changes to conditions and informatives contained within the Agenda Update Sheet and also as approved by delegated authority, was proposed by Mr R. Rogers and seconded by Mr Oakley, was put to the Committee and approved unanimously.

Update on Mineral, Waste and Regulation 3 Planning Applications

285. 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

286. 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 10 January 2017.

Date of Next Meeting

287. The next meeting of Planning Committee will be held on Tuesday 11 April 2017 at 10.30 a.m. at County Hall, Chichester.

Part II

288. 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.

Summary of Matters discussed in the absence of the Press and Public

Appeals Update

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

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