

## **Planning Committee**

26 March 2019 – At a meeting of the Planning Committee held at 10.30 am at County Hall, Chichester.

Present: Mr Crow (Chairman)

Mrs Kitchen, Lt. Cdr. Atkins, Mr Barrett-Miles, Mr Jupp\*, Ms Lord, Mr S. J. Oakley, Mr Patel\*, Mr Quinn, Mrs Russell\* and Mr McDonald

Apologies were received from Lt Col Barton and Mrs Duncton

Substitute: Mr McDonald

\* Mr Jupp, Mr Patel and Mrs Russell left the meeting at 11.47 a.m.

### **Part I**

#### **95. Declarations of Interest**

95.1 In accordance with the County Council's Code of Conduct, the following interests were declared:

- Mr Patel declared a personal interest in planning application: WSCC/049/18/LY because he is Councillor for Arun District Council.

#### **96. Minutes of the last meeting of the Committee**

96.1 Resolved - That the minutes of Part I of the meeting of the Committee held on 5 February 2019 be agreed as a correct record.

#### **97. Urgent Matters**

97.1 There were no urgent matters.

#### **98. Part II Matters**

98.1 Resolved – That no Part II matters should be brought into Part I of the meeting.

#### **99. Planning Applications: Regulation 3**

**WSCC/049/18/LY**    **Creation of a 1.1km highway, with shared cycleway and footway, Pegasus crossing, viaduct, culvert, wetland areas, balancing pond and swales, street lighting and associated works on Land East of Lyminster village & between Toddington Nurseries & A284 Lyminster Road, Lyminster, Littlehampton.**

99.1 The Committee considered a report by the Head of Planning Services, as amended by the agenda update sheet (copy appended to the

signed copy of the minutes). The report was introduced by Jane Moseley, County Planning Team Manager, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

99.2 Mr Rob Huntley of Rob Huntley Planning Consultancy, representing Mrs R Andrew a resident of Lyminster and Hargreaves Properties Ltd., spoke in objection to the application. They don't object in principle but are concerned about highway safety. The 2015 proposal was considered unsafe and withdrawn. The objectors' offer to work with the County Council was refused. The current proposal is "near identical". It has the same design defects that encourage high speeds, and safety issues remain with the northbound tie-in to the A284. This could be overcome using the objectors' proposed alignment (shown to the Committee). The design does not meet requirements in the Design Manual for Roads and Bridges. Requests to see the terms and conditions for the Road Safety Audit and details of the Departures from Standard have been declined, so the assertion that the Council has "provided a compliant solution for the bypass" cannot be verified. The WSCC Highways Officer asked for condition requiring further design and road safety details. Due to the tighter bend and high speeds, accidents at the tie-in will occur. Littlehampton Town Council, Lyminster and Crossbush Parish Council and others have raised safety-related concerns, including the design deficiencies mentioned.

99.3 Mr Dan Montagnani, Chairman, Lyminster and Crossbush Parish Council spoke on the application. The Parish Council supports the principle of a bypass but has some concerns. The existing road is unable to cope with the traffic volumes resulting in gridlock; HGVs straddle the road around the tight bends; Speedwatch has recorded high numbers of vehicles speeding through Lyminster, and there are weekly accidents and countless near misses. The tie-in south of the Crossbush Junction will present significant safety risks to cyclists, pedestrians and residents due to the high specification highway linking to narrow road with a single footpath, and there are health and wellbeing concerns for these residents due to noise, vibration and air quality deterioration. Planning conditions should include more mitigation. Lack of plans to upgrade or modify the Crossbush Interchange at the A27 will result in worse congestion: there is no joined up thinking with Highways England on the Arundel Bypass plans. A condition should be included that traffic calming and safety measures be put in place on the A284 through Lyminster village to avoid it becoming a rat-run and prevent traffic backing up.

99.4 Sara McKnight, Project Manager, Major Projects, West Sussex County Council, the applicant, spoke in support of the application. The proposed road connects with the privately delivered southern section to provide a north-south route with improved access between Littlehampton and the A27. The development has been in the Arun Local Plan since 2003. It will deliver on strategic economic aims. Proposals for the Crossbush junction would lie with Highways England and are outside the scope of this application. The bypass will improve safety, reduce congestion, improve journey time reliability and reduce pollution in Lyminster village. The current route, with its sharp bends and high traffic volumes is a recognised hazard. Extensive consultation has been undertaken

with all stakeholders. The design enables flood risk to be managed. Mitigation measures will be put in place to protect flora and fauna. Traffic flows will increase due to new housing developments and because this will be a more attractive route. Assessment of pollution levels shows that some areas will be high but not unacceptable.

99.5 In response to certain points raised by speakers, Planning Officers provided clarification as below. Other points raised by speakers were covered during the debate by the Committee:

- In relation to the matter of the WSCC Highways Officer's request for a condition requiring further design and road safety details, this relates to detailed design and can be satisfied at the second stage of the audit (design stage).
- Highways England's plans for the Crossbush junction at the A27 are unknown at this time.

99.6 During the debate the Committee raised the points below and clarification was provided by the Planning Officers:

### **Compliance with the Design Manual for Roads and Bridges**

Points raised – Does the proposal meet the requirements in the Design Manual for Roads and Bridges, especially regarding Departures from Standard.

Response –The Manual sets out design criteria. A design may not meet the 'optimum standard', but it is still compliant with the standard required by the Manual.

### **Safety of cyclists and pedestrians**

Points raised – Safety for cyclist and pedestrians was queried, particularly in relation to the tie-in to A284 at the northern end of the bypass. The Committee's points were as follows:

- Would cyclists have to stop to join the old road at the tie-in?
- There is no cycleway on the old A284 which has only has a single narrow footpath; was this assessed during the Road Safety Audit?
- What is the purpose of providing a cycleway along the new bypass when there is no cycleway on the old A284?
- Can a recommendation be included that the applicant should continue the cycleway to the Crossbush junction?
- Why is the foot/cycleway split across two sides of the bypass and were cycling groups consulted about this?
- Why is this a shared foot/cycle way; would separation be better for safety and will the unlit sections be safe?

Responses – As follows:

- Cyclists and pedestrians will need to give way at the northbound tie-in.
- Risks to cyclists and pedestrians have been assessed and in looking at the Departures from Standard it was agreed that installing signage, anti-skid surfacing for 200 m on the old road and lighting would be appropriate - final details will be approved during the design stage.

- The proposed shared foot/cycle way is betterment on existing provision.
- Any plans for a cycleway north beyond the new bypass is outside the remit of this proposal; it should be noted that there is no cycleway to link with at or beyond the Crossbush junction.
- The foot/cycle way is split across the bypass because at the southern end it will join a planned new cycleway on the southbound side, at the northern end the existing footpath on old A284 runs alongside the northbound carriageway. Three cycling groups responded to the application.
- Shared foot/cycle ways are considered better for the safety of users including where paths are unlit.

### **Traffic calming through Lyminster village**

Point raised – Traffic calming should be considered for Lyminster village to prevent the old A284 becoming a rat-run.

Response – This is beyond the scope of the application but should the Committee wish to propose this then it can be included as an informative.

### **Pegasus Crossing**

Points raised – Use of the Pegasus Crossing will bring the road to a standstill, and involve idling vehicles.

Response – The Pegasus Cross is necessary to maintain access to bridleway 2163 and also to allow safe access to the whole foot/cycle way.

### **Noise barrier**

Points raised – Who will have responsibility to maintain the noise barrier? Will planting in front interfere with maintenance?

Response – This noise barrier become a WSCC Highways 'asset', and responsibility for maintenance will lie with the County Council. The area by the noise barrier will be laid to grass.

### **Flood Risk**

Point raised – Flood risk in relation to the '1 in 200 years (tidal) event' for the viaduct over Black Ditch is good, reassurance was sought that the '1 in 100 years plus 40% climate change' risk was taken into account?

Response – Drainage proposals have been approved by the Environment Agency and the WSCC Drainage Officer, subject to relevant conditions as set out in Appendix 1 of the Committee report.

### **Landscape**

Points raised – Could condition 7 – Detailed Landscaping Scheme - be amended to correct discrepancies in wording which refers to "prior to first use of the road" and "following commencement of the development", by use of only the latter phrase. Similarly, with condition 8 – Landscape and Ecological Management Plan. In

condition 7 replacement of planting should be changed from 5 years to 10 years.

Response – Officers did not consider a landscaping scheme was necessary prior to commencement, but should the Committee wish to propose this, and other amendments, then this would be reasonable.

### **Wick level crossing**

Point raised – Are there any plans to close Wick level crossing?

Response – Network Rail have no plans to close Wick level crossing and this does not form any part of these proposals.

99.7 Mr S. J. Oakley proposed an amendment to condition 7 to correct discrepancies in wording which refers to “prior first use of the road” and “following commencement of the development” by use of only the latter phrase throughout the condition, and also to amend the requirement for replacement of planting from 5 years to 10 years. This was seconded by Mr Quinn, and put to the Committee and approved by a majority. Delegated power was granted to the County Planning Team Manager to agree this amended pre-commencement condition with the applicant

99.8 Mr S. J. Oakley proposed that a new Informative be added as follows:

6. The applicant is asked to investigate traffic calming measures on the old A284 though Lyminster village.

This was seconded by Mr Barrett-Miles, and put to the Committee and approved unanimously.

99.9 The substantive recommendation, as amended by the agenda update sheet and changes to conditions and informatives as set out in Appendix 1 and as agreed by the Committee, was proposed by Mr McDonald and seconded by Mr Barratt-Miles and was put to the Committee and approved unanimously.

99.10 Resolved – That planning permission be granted subject to amended conditions and informatives set out in Appendix 1 of the report, as agreed by the Committee, including the Secretary of State not calling in the application.

99.11 The Committee recessed at 11.47 a.m. and Mr Jupp, Mrs Russell and Mr Patel left the meeting. The Committee reconvened at 11.54 a.m.

## **100. Planning Applications: Minerals**

**WSCC/044/18/SR Continuation of working the mineral (sand extraction), but with an enhanced restoration scheme for nature conservation and informal recreation involving the importation of 1.8 million tonnes of inert material over a period of eleven years. Sandgate Park Quarry,**

**Water Lane, Sullington, Storrington, West  
Sussex, RH20 4AS**

100.1 The Committee considered a report by the Head of Planning Services, as amended by the agenda update sheet (copy appended to the signed copy of the minutes). The report was introduced by Chris Bartlett, Principal Planner, who gave a presentation on the proposals, details of the consultation and key issues in respect of the application.

100.2 A statement in objection to the application from Mr and Mrs Lawrence, residents of Storrington, was read out. They dread the proposed landfilling, but support the plans for Sandgate Country Park. They have concerns about how the Country Park will be delivered; the planning application should set out how it will be implemented. The proposals for the grassland areas are in conflict with the existing S.106 agreement with Horsham District Council, which requires public paths and open access. However, the application scheme is superior, but land must be free of people and dogs to allow wildlife to thrive. The Committee Report does not provide details of existing background noise levels, being based on noise level conditions from some years ago. Noise readings were taken in the middle of the day; there is no assessment of the impact during noise sensitive hours (early hours until 7.30 a.m.). Staff often arrive before the 7 a.m. start of site operating hours. The 70 dBh level, which has not been consulted on, will have a harmful effect; a noise expert should advise the County Council on the impacts. Mr and Mrs Lawrence also have concerns about vibration, air pollution and ecology.

100.3 Helen Hudson of Hudson Planning, agent for the applicant, spoke in support of the application. The application seeks to change the existing approved restoration plan and deliver an improved scheme in terms of environment and community benefits; it will greatly improve biodiversity; provide more interesting and connective footpaths, and overall there will be a softer shaped restored landform with additional features and it will extend the area of Sandgate Country Park. Extraction the remaining 1.4 million tonnes of sand is permitted until 2042, but at a rate of 140,000 tonnes per annum this should finished in approximately 10 years. 1.8 million tonnes of inert material would be imported at a rate of 250,000 to 350,000 tonnes per annum over an 11 year period, slowing towards the end, resulting in an additional 134 vehicle movements per day - a worst case scenario. A proposed S.106 routing agreement will mean vehicles would travel south on Water Lane and east on the A283 to the A24. Number plate recognition technology will be used. There will be no adverse impact on the environment or community. Mitigation measures are built in. The applicant is in discussion with Horsham District Council about the future of Sandgate Country Park.

100.4 A statement from Mr Paul Marshall, member for Storrington was read out. In principle, he has no objections to the application because it will enhance the site for local use on completion. A clear traffic plan should be in place to avoid increasing pollution levels particularly through Storrington Air Quality Management Area (AQMA). All HGVs should use the wheel washer. The concrete crusher should be located where it minimises environmental noise; relocation should be agreed with the Planning Authority. Hours of use should be restricted to 9 a.m. to 4 p.m.

weekdays only. Due to safety concerns about mature trees on Water Lane being at risk from HGV movements and vibrations, a S.106 should be secured to monitor the trees and provide for tree work to be undertaken.

100.5 In response to certain points raised by speakers, Planning Officers provided clarification as below. Other points raised by speakers were covered during the debate by the Committee:

- Regarding the future responsibility for Sandgate Country Park, condition 5, the Ecological Management and Aftercare Plan allows for “provision of biodiversity and habitat management details for the 5 year period after restoration”, but the future ownership and responsibility for the Country Park is outside the remit of this application and not a material consideration.
- Regarding the claim of conflict with the S.106 agreement with Horsham District Council, updated plans (shown to the Committee) are tied into the existing S.106 agreement.
- Regarding noise, the Environmental Health Officer is satisfied with the assessment that has been carried out and also with the recommended conditions, which allow for enforcement action should there be an issue with noise.

100.6 During the debate the Committee raised the points below and clarification was provided by the Planning Officers, where applicable:

#### **Highway capacity, routeing and Storrington AQMA**

Points raised – Will HGVs be required to use the A24 and will there be a sign at the entrance directing HGVs towards the A24? What will prevent HGVs from travelling through Storrington and causing an adverse impact on the AQMA, and what assessments have been carried out in this respect? Does the routeing agreement apply to HGV movements for sand extraction? Would HGV movements of loads of rejected materials be included in the routeing agreement, and what numbers would this involve?

Response –A S.106 routing agreement, which only applies to HGV movements for the infilling operations, will require HGVs to use Water Lane (an advisory HGV route), the A283 and the A24. It will ensure HGVs do not travel north along Water Lane or through the centre of Storrington, thereby avoiding the AQMA. The routeing agreement would not apply to existing HGV movements for sand extraction, meaning these HGV’s could travel through Storrington village. However, all HGV’s associated with the sand extraction operation are Euro VI compliant (a European emissions standard). A sign will be placed at the site entrance. There is no limit on HGV movements, but average movements for both operations have been provided. Loads of rejected materials would be very small in number and, therefore, would have little impact on HGV movements.

#### **Air Quality - other**

Points raised – To protect air quality a condition should be included restricting burning at the site. Reassurance was sought that the proposals will not fall foul of air quality legislation.

Response –Condition 19 – Permitted Restoration Materials states that imported and on-site materials should be inert, so there would be very little flammable material on site. The Environmental Health Officer did not raise any concerns that the proposals would breach any air quality legislation.

### **Noise**

Points raised – Concerns were raised in relation noise, with reference to Paul Marshall's statement: can the wheel wash be moved and can concrete processing be mitigated further through more restricted hours?

Response – Expected noise levels are based on the use of all equipment at the same time and are a worst case scenario. The requirements in condition 6 – Noise Management Plan plus the additional noise bund and noise level limits will be sufficient to manage noise emissions.

### **Public Right of Way**

Point raised – Will walkers be restricted by the proposed new footpath entrance to the public right of way?

Response – The proposals should not affect access for walkers. The new footpath will be put in place once the sand extraction and infilling operations have ceased.

100.7 The substantive recommendation, as amended by the agenda update sheet and changes to conditions, as agreed by the Committee, was proposed by Lt. Cdr. Atkins and seconded by Mr Quinn and was put to the Committee and approved unanimously.

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

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

101.1 The Committee received and noted a report by the Head of Planning Services 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.

## **102. Report of Delegated Action**

102.1 The Committee received and noted a report by the Head of Planning Services (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 5 February 2018.

### **103. Date of Next Meeting**

103.1 The following scheduled meeting of Planning Committee will be on Tuesday, 21 May 2019 at 10.30 a.m. at County Hall, Chichester.

### **104. Exclusion of Press and Public**

104.1 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.

104.2 The Committee continued its discussions in Part II, for which a Part II summary is available, below. The Part II discussion took place from 12.38 p.m. to 12.42 p.m.

### **105. Part II Minutes of the Meeting held on 5 February 2019**

105.1 Resolved – That the minutes of Part II of the meeting of the Committee held on 5 February 2019 be agreed as a correct record.

The meeting ended at 12.43 pm

Chairman