

Planning Committee

8 September 2020 – At a virtual meeting of the Planning Committee held at 10.30 am.

Present: Cllr High (Chairman)

Cllr Kitchen, Cllr Atkins, Cllr Barrett-Miles, Cllr Burrett, Cllr McDonald, Cllr Millson, Cllr Montyn, Cllr S Oakley, Cllr Patel and Cllr Quinn

Apologies were received from Cllr Barton

Also in attendance: Cllr Barnard

Part I

10. Declarations of Interest

10.1 There were no declarations of interest made by members of the Committee.

11. Minutes of the last meeting of the Committee

11.1 The Committee noted that a correction to the second bullet point of minutes 6.2 was required and this should read:

- Clarification was sought about whether South Downs National Park Authority (SDNP) could take on the application. Planning Officers advised it is not certain if the legislation would allow this; however, the developer has been in discussion with both SDNPA and Horsham District Council.

11.2 Resolved – that the minutes of the meeting held on 7 July 2020 be approved, subject to the correction to minute 6.2 as highlighted in paragraph 11.1 above, and that they be signed by the Chairman.

12. Urgent Matters

12.1 There were no urgent matters raised.

13. Planning Application: Waste

WSCC/009/20 - Change of use from agricultural land to a construction/demolition/excavation waste recycling facility. Land at Thistleworth Farm, Grinders Lane, Dial Post, Horsham, RH13 8NR.

13.1 The Committee considered a report by the Head of Planning Services (copy appended to the signed minutes). The report was introduced by James Neave, Acting County Planning Team Manager, who provided a presentation on the proposals, details of consultation and key issues in respect of the application.

13.2 Mr Barry Davies, local resident, spoke in objection to the application. Dial Post is subject the noise of a grinding machine and residents have lost enjoyment of their homes and gardens due to sound of deep thumping and rumbling from the site, which can be heard even inside the house. The sound can be heard above the traffic noise from the A24 and screening does not work. The village is not an industrial zone and should not have put up with disturbance from commercial operations. The entrance to the site is a dangerous crossing on the A24 and introducing more HGVs is an accident waiting to happen. It is questioned why this site has been allowed to operate for the last 2 years without planning permission.

13.3 Mr David Green of West Grinstead Parish Council spoke in objection to the application. This application is retrospective, although with new elements. The site has been allowed to operate for 2 years without planning permission or an Environmental Permit. The site operator must have known that planning consent was needed and has flouted the law, with potentially dangerous materials being handled on the site without controls. What kind of message does this send to those who do abide by the law? Dial Post residents are concerned about noise, dust, hours of operations, numbers of vehicles accessing and using the A24 vehicles, including HGVs. The Committee report suggests that Environmental Health has no objections, however, they did raise noise as an issue in the first instance, although it is conceded they withdrew their objections in light of the applicant's comments. There has been a recurring issue with retrospective planning applications in Dial Post and a number of local business have grown massively over the years. There is considerable opposition to this application in Dial Post but residents have no faith that anyone will listen to their concerns.

13.4 A statement in objection to the application was read out on behalf of residents of Benton's Lane, Dial Post. The Noise Impact Assessment Report (NIAR) concludes the plant reduces noise by 1db; this is ridiculous. Measurements were taken were in locations where higher than average noise from the A24 eclipses noise from the site, which seems to be a manipulation of the recording strategy in favour of the client. Readings should be taken from within or to the west of Dial Post village: a number of specific locations were suggested. Low frequency noise carries to greater distances than road noise. An acoustic fence on top of the bund will not help. The Council should commission its own NIAR and dates for monitoring noise should not be pre-notified to anyone. Screening machinery should be enclosed within a roofed, sound absorbent structure. It is questioned who will monitor or control the hauliers leaving the site and what action will be taken. Consent should be temporary and subject to annual or bi-annual review to ensure conditions are complied with.

13.5 Mr Lionel Barnard, local councillor for Henfied spoke on the application. Dial Post is cut in two by the A24 and noise is quite considerable with 60,000 vehicles per day using this road. Some Hyatt and also Penfold Verall HGVs do turn right out of Grinders Lane when going north on the A24. The objections received about this planning application are from people who have a right of say on matters within their village. Cllr Barnard is member of A24 Action Group and it is noted that the Grinders Lane/A24 entry/exit is always raised as a concern. Many

vehicles do turn left, but it is turning right that is the trouble. Noise from this site is dreadful and it not felt that a bund will stop it. Residents already put up with a garden centre, solar farm, caravan park, showground and Penfold Verall site. The County Council should not be there to destroy the countryside.

13.6 In response to points made by speakers Planning Officers provided clarification on the following (points of clarification are noted only here where they were not addressed during the debate by Committee, see minute 13.7 below):

- The Noise Impact Assessment Report was considered by the Environmental Health Officer, who raised no objections subject to conditions that secure operational controls for noise. Their final stance is set out in the Committee report.
- Paragraph 9.1 of the Committee report recognises the retrospective nature of the planning allocation. However, the application must be treated on its merits; the fact that it is retrospective is not material to the application.
- Condition 17 'Waste Types' controls materials coming to the site. An Environmental Permit or exemption from the Environment Agency would also be required by the operator.

13.7 During the debate the Committee raised the points below and a response or clarification was provided by the Planning and Highway Officers, where applicable:

Road Safety

Points raised – When entering the proposed site from the northbound carriageway of the A24 HGVs must right turn across the gap in the central reservation and over the southbound carriageway onto Grinders Lane. Could the section 106 routing agreement be amended to require HGVs to continue north to the Southwater roundabout and return on the southbound carriageway in order to enter Grinders Lane from a left hand turn? The suggestion was not supported by all.

Response – Such a proposal would have to be reasonable and proportionate. It would only be applicable to HGV movements for this site: approximately 12 movements per day (6 HGVs entering and 6 leaving the site). It would not be consistent with the section 106 routing agreement for HGVs exiting the nearby Penfold Verall site, which has no such requirement. Also, that site has approximately 44 movements per day. It would require HGVs to drive a considerable distance north to the Southwater roundabout and back south again. It may also encourage HGV drivers to use other gaps between Dial Post and Southwater to turn south back on the A24, which may be unsafe.

Point raised – Is there an issue with vehicles queuing on the northbound carriageway of the A24 in order to turn right across the gap into Grinders Lane, causing safety concerns?

Response – County Highways are not aware of any issues or reports of problems with vehicles queuing on the northbound carriageway in order to cross the gap and turn into Grinders Lane across the southbound carriageway of the A24.

Point raised – What road traffic accidents have occurred in the area?

Response – In the last 5 years there have been five accidents (one fatality, three serious and one slight), with the main issue being vehicles turning right from the side roads onto the A24 (rather than crossing the A24 into side roads). Driver error was the main cause of these accidents.

Point raised – The proposed section 106 routeing agreement that HGVs existing from the site must turn left onto the southbound carriageway of the A27 is sensible, because for HGVs to drive across the southbound carriageway in order to use the gap to turn north is dangerous.

Response – The proposed Section 106 routeing agreement is considered reasonable for the purposes of highway safety. It is consistent with the agreement in place for the Penfold Verall site, and the distance to Ashington roundabout, to allow for turning on the northern carriageway of the A24, is circa 2 miles to the south and so considered reasonable.

Point raised – How will the section 106 routeing agreement be monitored and enforced?

Response – The section 106 routeing agreement would be legally enforceable. Officers cannot be present to monitor the location all the time and so rely on reports from residents. All reports are investigated, discussed with the site operator and action taken, where appropriate.

Point raised – Is it possible to erect a sign at the slipway to the A24 at Grinders Lane requiring traffic to turn left only?

Response – The proposed section 106 routeing agreement would only be applicable to HGVs leaving this site. There is a similar agreement for the nearby Penfold Verall site. There is no legal requirement for any other traffic to turn left onto the A24 from Grinders Lane. A left-turn only requirement would have impacts on residents, other road users and local businesses. The installation of such a sign cannot be considered as part of the planning process as it would not be proportionate to the impact of the planning application but may be something that can be considered when reviewing road network schemes at a later date.

Drainage

Points raised – There are already concerns about flooding on this section of the A24 and on the western end of the site. The attenuation pond is within application boundary, but it is noted that land to south and east isn't; however, it is within the applicant's control. The drainage systems at the site are vulnerable to loose debris and spoil, particularly from the spraying to dampen down dust; this includes the drainage channels within the site and near the site entrance, and at the west where they are close to uncontained stockpiles. Following installation of the drainage scheme, a verification report is required only 1 month after, and this should be provided annually. By doing so it would provide reassurance that maintenance will be ongoing.

Response –Condition 1 'Approved Plans', requires the development to be carried out in accordance with the submitted Drainage Strategy report, which includes maintenance provisions and is considered acceptable to the Council's flooding and drainage officers. The required verification report under Condition 5 must be prepared by a qualified engineer and considered by the Council and if the proposed drainage system does not operate suitably a scheme of rectification must be submitted to and approved by the Council.

Dust suppression system

Points raised – It is proposed that the dust suppression system will re-use water from site operations, backed up by mains water, but because West Sussex is a water stressed area, reassurance is sought that this system is reliable and sustainable.

Response – It is proposed to harvest rainwater and supplement the system with mains water supply.

Landscaping - Scheme of planting

Point raised – It is suggested that the proposed planting scheme should be extended to include planting on the top of the eastern bund. Whilst there are no concerns about visual receptors, this would be a net gain in terms of biodiversity, as per paragraph 170(d) of the NPPF, and it would aid in dust suppression.

Response – The proposed additional bunds and fencing and the existing bund are considered to provide sufficient screening. It is felt that the proposed scheme of planting for the northern, western and southern bunds is sufficient in terms of a net gain in biodiversity, and because the existing bund to east is 5 metres high and there no concerns with visual receptors, additional planting would not be required in order to make the proposal acceptable in planning terms.

Noise

Point raised – Concern was raised regarding noise that residents of Dial Post are experiencing from the site with one speaker noting that grinding and thumping can be heard when inside his house.

Response – Condition 15 'No Crushing Operations' states that no crushing would be permitted on site. Conditions 10 'Site Layout and Permitted plant' specifies the machinery that can be used. Regarding condition 11 'Hours of Operation' the applicant originally sought half day operations on Saturday but following discussions with Environmental Health it was agreed that operations would be permitted only for weekdays with an additional hour in the morning to allow vehicles to arrive. Condition 13 specifies that a 'Noise Management Plan' must be submitted to and approved by the Council. Regarding the origins of noise, officer investigations have found it difficult to establish where noise is coming from or to be able to attribute it to the site. Noted that the Penfold Verall site handles a 75,000 tonne throughput per year and this does have a crushing facility. And recently there have been noisy demolition and construction works at garden centre.

Condition 13 – Noise Management Plan

Point raised – Clarification was sought on the phrase "but not limited to..." in the second sentence of Condition 13 'Noise Management Plan'.

Response – This condition requires the operator to comply with the requirements laid in respect of the (to be agreed) noise management plan, but it does not limit the plan to only these measures; as necessary, it may include other measures to mitigate noise impacts.

Area of Search

Points raised – No map was included in reference to the Area of Search, paragraph 9.14 of the Committee report. The Area of Search in the Waste Local Plan is described as along the coast and in the north-west of the country, but this description does not seem to apply.

Response – The site is within the Area of Search, which is described as outlined above. The Area of Search does also contain a spine through the centre of the county.

Access shared with the Showground

Points raised – Under 'Representations' in paragraph 8.2, bullet point 4 of the committee report it is stated that the site is a "shared drive also used by the Sussex Showground, which seasonally produces considerable traffic", but the matter of the amount of traffic is not clarified within the report.

Response – The land known as the Sussex Showground has permitted development rights resulting from agricultural use, that allows for 28 days per year for events. However, it is understood that the Showground is now no longer used for events.

Reversing Alarms

Point raised – Condition 14 mentions the use of white noise/broadband alarms. What is this?

Response – A white noise/broadband reversing alarm has crow-like tone rather than emitting a bleeping noise. The noise from bleeping alarms carries over distance but the noise from white noise/broadband alarms does not carry as far.

13.8 An amendment proposed by Cllr Montyn to require HGVs to continue north to the Southwater roundabout and return on the southbound carriageway in order to enter Grinders Lane from a left hand turn was withdrawn in light of officer comments because it was agreed that it would not be reasonable or proportionate.

13.9 The following amendment to Condition 5 was proposed by Cllr S. Oakley and seconded by Cllr Barrett-Miles:

5 – Surface Water Drainage

Add the words ***and a verification report prepared by a qualified engineer to be submitted annually thereafter*** at the end of the condition.

The Committee voted on the proposed amendment, which was approved unanimously.

13.10 The following amendment to Condition 6 was proposed by Cllr S. Oakley and seconded by Cllr Burrett:

6 – Landscaping Scheme

Add the word ***eastern***, after the word, *northern* in the second sentence. And in addition, add the wording ***and to ensure a biodiversity net gain*** to the end of the 'Reason'.

The Committee voted on the amendment and rejected by the majority and the proposed amendment was lost.

13.11 The substantive recommendation, amended by the new condition as approved by the Committee and noted in minute 13.9 above, was proposed by Cllr Atkins and seconded by Cllr Quinn and was put to the Committee and approved unanimously.

13.12 Resolved – That planning permission be granted subject to:
(a) the conditions and informatives set out in Appendix 1, as amended by the Committee; and

- (b) the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act 1990 requiring all exiting HGVs from the site to turn south onto the A24.

14. Update on Mineral, Waste and Regulation 3 Planning Applications

14.1 The Committee received and noted a report by 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.

15. Report of Delegated Action

15.1 The Committee received and noted a report by 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 7 July 2020.

16. Date of Next Meeting

16.1 The following scheduled meeting of Planning Committee will be on Monday, 19 October at 10.30 a.m. at County Hall, Chichester.

16.2 In accordance with regulations in response to the current public health emergency, this meeting may be held virtually with members in remote attendance and with public access via webcasting.

The meeting ended at 12.24 pm

Chairman