



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 14 September 2016 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mr M Cullen, Mrs J Duncton, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mrs P Tull

Members not present: Mr M Dunn

In attendance by invitation: Mr P Harwood (Environment Agency)
Mr D Smith (West Sussex County Council)

Officers present all items: Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor), Mr J Bushell (Principal Planning Officer), Mr T Whitty (Development Management Service Manager) and Mrs K Jeram (Member Services Officer)

66 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting. He drew attention to the emergency evacuation procedure which was displayed on the screens and introduced the officers present.

67 **Approval of Minutes**

Resolved

That the Minutes of the meeting held on 17 August 2016 be approved and signed by the Chairman as a correct record.

68 **Urgent Items**

The Chairman advised that there were no urgent items.

69 **Declarations of Interests**

Planning Applications

The Committee considered the planning applications together with an agenda update sheet at the meeting detailing the observations and amendments that had arisen subsequent to the dispatch of the Agenda (copy of both documents attached to the official Minutes).

During the presentations by officers of the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screens.

RESOLVED

That the Planning Committee makes the following decisions subject to the observations and amendments below:

70 O-16-01785-FUL - Land on the North Side of Shopwhyke Road, Shopwhyke

By reference to a series of slides showing photographs and drawings of the site, Mr Bushell introduced this application made by Oving Parish Council for the removal of conditions 9 (A27 Oving Crossroads Interim Measures) and 11 (A27 Oving Crossroads Full Measures) from planning permission O/11/05283/OUT. He explained that collectively these conditions required the staged closure of Oving traffic lights to all vehicular traffic apart from buses. The purpose of the application was to retain the junction as it currently functions.

Attention was drawn to the agenda update sheet relating to seven further third party support and two further third party objections.

Mr Harwood representing Highways England informed the Committee that whilst he understood the concerns that Oving Parish Council had about local access, the best solution in transport terms was for the closure of the Oving Traffic Lights. The closure had been carefully negotiated as a key part of the mitigation package to offset traffic impacts from the Shopwhyke Lakes development. He advised that the applicant had not quantified or modelled how the alternative proposal to retain the traffic lights would impact on the function of the A27 or the assumptions for the Local Plan in terms of providing additional housing and jobs.

Mr Smith reported that extensive traffic modelling had taken place of the local highway and strategic network to develop a strategy to support growth for both housing and employment. The level of assessment expected to be undertaken to assess the proposal's impact on the local and strategic highway network had not been undertaken by the applicant.

The following members of the public addressed the Committee:

Mrs M Harbold – Parish representative (Aldingbourne Parish Council);
Mr A Hodgekiss – Objector;
Mr M Turner – Supporter;
Mrs E Smith – Supporter;
Mr S Schuyleman – Applicant; and
Mr P Jarvis – CDC Member (statement read out by Mr Oakley).

Mr Bushell, Mr Harwood and Mr Smith replied to points made during the Committee's debate:

- With regard to basic highway principles the more movements at a junction the less safe it becomes;
- With regard to concern that a rat run would be created through the Shopwyke Lakes development, the road would be designed to current design standards with a B road specification with the appropriate infrastructure in place. Although traffic lights had been included as part of the A27 Chichester Bypass Improvement Scheme, the issue was not that there were lights in place but that the higher number of conflicting movements resulted in delays at the Oving traffic lights;
- The A27 improvement proposals would involve changes to the road infrastructure that were over and above what had been agreed for the Shopwyke Lakes development, which had been considered on the available facts at the time;
- Details of the circular bus route were provided and how buses would be required to turn at the traffic signals;
- The removal of conditions 9 and 11 would result in the traffic lights operating as they currently were;
- The implications for the Local Plan would need to be looked into and consultation undertaken with statutory consultees. as no traffic modelling for retaining the existing Oving traffic lights had been carried out;
- Paragraph 8.13 of the report stated that if the application was approved the developer of Shopwyke Lakes could not be required to implement a permission for alternative highway access arrangements and there was no guarantee that any permission removing conditions 9 and 11 would automatically translate into the signalised junction remaining as it currently was. This matter would be dealt with separately by the applicant and the developer/landowner;
- It was incumbent on the applicant to demonstrate that the retention of the traffic lights would not have a severe impact on the highway network and not necessarily for Highways England to demonstrate this;
- If the Committee resolved to permit the application, the Council was required to consult the Secretary of State for Transport for a decision.

A vote on the officer recommendation to refuse the planning application was not carried.

Mr Frost responded to a suggestion by a member that conditions 9 and 11 should be removed but reviewed once the A27 options had been decided. He advised that it was not possible to grant planning permission and then take it away at a later stage.

A proposal to defer the application in order for the applicant to provide additional evidence to Highways England to demonstrate that retaining the Oving Road traffic lights would not have a severe impact on the A27 was not carried. The Chairman informed the Committee that the applicant had informed officers that they were not able to provide this evidence. Having received this information, members considered that the proposal should still be voted on and following the vote the proposal was not carried.

The majority of members considered that the proposal was acceptable. They considered that in terms of any impact on the Local Plan, the Transport Assessment study was a part of the Local Plan, it included changes for the traffic lights and that this was a relatively minor part of the whole Local Plan. Given the improved safety

record for the traffic lights members were of the view that retaining this existing function would not have a significant or severe impact on the A27 or the Local Plan. It was felt that the retention of the traffic lights would have some benefits.

On a vote a majority of the Committee supported a proposal to **defer** the application for **referral** to the **Secretary of State** and either:

- (a) In the absence of any direction issued by the Secretary of State defer for a Section 106 agreement then permit; or
- (b) Upon receipt of a direction from the Secretary of State, to comply with that direction.

71 **O-15-02343-FUL - Land To South Of A259 Bognor Road, Oving**

At its meeting on 17 August 2016 the Committee deferred this application for officers to investigate with the applicant (a) improved landscape screening, a reduction in the height and re-siting of the building (b) hours of operation during unsocial hours (c) use of a different colour of cladding and (d) the possibility of lowering the building into the ground.

Ms Rawlins reported that since the previous meeting the applicant had amended the application and proposed a number of changes, which included grey vertical profile metal cladding to the external elevations and a reduction in the height of the building. The applicant had considered lowering the proposed development into the ground but this was not possible due to the high water table. However, the officer recommendation remained refusal.

The following members of the public addressed the Committee:

Mr G Herman – Applicant.

During the discussion, the majority of members considered that following the amendments made by the applicant since the previous meeting the proposal had been improved in terms of landscaping, which included the planting of more mature trees which would help to reduce the overall impact.

In response to members' comments, Mr Whitty advised that if members were minded to approve the application a number of conditions would be required to include a restriction on its use, landscaping, access, travel plan, lighting, retention of planting and re-planting, which would be required for a longer period than the usual five year period. It was suggested that between 10-15 years would be more appropriate in this instance. He confirmed that the landscaping would include a mixture of evergreen and deciduous. Case law required the period of time for replanting to be "reasonable" and therefore he would recommend a maximum period of no more than 15 years.

Mr Frost added that if a longer period of 25 years for the carrying out of re-planting was considered important by the committee it would be arguable whether this satisfied the reasonableness test of a planning condition . This matter had not been