



To All Councillors on the Planning and Environment Committee,

You are summoned to a meeting of the **Planning and Environment Committee** on **Wednesday 23 June 2021 at 6.30pm.**

All Covid guidelines must be adhered to:

Masks/face coverings must be worn on entry and at all times unless seated or speaking; masks/face coverings must be worn if not seated.

Please use the hand sanitiser on arrival.

Scan or sign in for Track and Trace.

Room to be used: **Council Chambers**

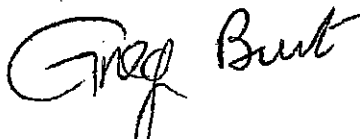
Maximum number of people (Cllrs + Officers + public) permitted in room: **16**

Please read the Council's Covid Risk Assessment which can be found here:

www.billingshurst.gov.uk under Council Documents.

Although the meeting is open to the public, we are limited on capacity, so residents are able to view the meeting livestreamed on the Council's Facebook page and YouTube (technology permitting).

If any member of the public plans to attend, it would be helpful (for the purposes of attendee management) to let the Parish Office know in advance : council@billingshurst.gov.uk / 01403 782555.


G C Burt
Clerk to the Council

16 June 2021

AGENDA

1. Apologies for Absence.
2. Declarations of Interest and Notification of Change to Members' Interests.
3. Public Session.
4. Planning Applications.

DC/21/0751	Erection of a single storey rear extension GLENMORE, FIVE OAKS ROAD, SLINFOLD, HORSHAM
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Council Office: Billingshurst Community & Conference Centre,
Roman Way, Billingshurst, West Sussex RH14 9QW
Tel: 01403 782555
Email: council@billingshurst.gov.uk

DC/20/0854	Change of use of land to bailing and storage of agricultural plastics for subsequent despatch and off-site recycling COPPED HALL FARM, OKEHURST LANE, BILLINGSHURST
DC/21/1095	Erection of a single storey rear extension 12 OSTLERS VIEW, BILLINGSHURST
DC/21/0922	Erection of a two storey side extension. 3 LONGHURST DRIVE, BILLINGSHURST

5. Any other matters for information only.
6. Date of Next Meeting: **Thursday 8 July 2021** at 7.30pm.

Committee Members : EB, CBP, GC, **DH**, JM, DW, SW.

Members of the public should be aware that being present at a meeting of the Council or one of its Committees or Sub-Committees will be deemed as the person having given consent to being recorded (photograph, film or audio recording) at the meeting, by any person present.

**DC/20/0854 – Copped Hall Farm, Okehurst Lane, Billingshurst
Retrospective Application by Farm XS for the bailing and storage of
agricultural plastics for subsequent despatch and recycling.**

In March 2020 Planning Enforcement received complaints from residents of Okehurst Lane and Rowner Road about unauthorised activity on the site and noise nuisance caused by vehicle reversing alarms. The activity took place between 22nd and 24th March. Planning Compliance investigated and closed the operation down. The applicant was advised that full planning permission was required and asked to submit an appropriate application to regularise the activity.

The Parish Council was consulted on the application in May 2020 when the application was “**Change of Use of land to Class B8 (storage and distribution)**” and, using the delegated authority granted by the Planning Committee under COVID regulations, the Assistant Clerk submitted the following strong objection:-

1. Application form Q6 asks if there is a proposed use that would be particularly vulnerable to the presence of contamination. The answer given is "no" but it is clear that the previous contents of the waste plastic sacks, etc could be hazardous themselves. Outside storage will mean that rain could wash out any residue and contaminate the land around.
2. The existing use is given as B8 but that is not a use class which has been allowed in the planning history of this site. The existing use is stated to be agricultural/equestrian in the D&A. B8 is, in fact, the use class currently being sought.
3. No hours of use have been given. In effect, users of the service could arrive to drop off their waste at any time of any day (not all users will wish to take advantage of the chargeable collection service offered by Farm XS).
4. Q20 Is the proposal for a waste management development? The applicant has answered "no" but clearly the proposal is for the processing of waste.
5. Q21 Hazardous Substances. As in point 1 above, the previous contents of the waste to be stored might well be hazardous. Farm XS offers disposal of used shot gun cartridges and tyres. If this application is allowed then it is conceivable that this type of hazardous waste might also be stored on the site.
6. The concerns raised by the neighbour are recognised, particularly those relating to the potential conflict for other users of Okehurst Lane with increased vehicle movements in the location including the addition of HGVs, the proximity of the proposal to residential dwellings, the visual impact from the nearby footpath, noise nuisance and the risk from fire.
7. Finally, the site is in close proximity to a Grade II Listed Building which is afforded additional protections within the planning and development process.

In December 2020, an amended plan was received for “**Change of use of land to bailing and storage of agricultural plastics and cardboard for subsequent despatch and off-site recycling**”. The Parish Council considered the plan at a virtual meeting on 16 December 2020 and (being mindful of the number of objections from residents of Okehurst Lane) maintained its strong objection to the application and added the following comments:-

- an independent noise assessment be undertaken;

- Okehurst Lane and Rowner Road are well served by public footpaths and bridleways used by pedestrians, cyclists and equestrians, and an increase in motorised vehicle movements in the location will have a detrimental impact on these other users;
- the site should be surrounded by an earth bund in order to reduce any contaminant seepage;
- should HDC be minded to allow this application, the Parish Council would like to see the inclusion of a condition restricting the contents of the plastic sacks, some of which may have contained hazardous materials.

In March 2021, the application was again amended to **“Change of use of land to bailing and storage of agricultural plastics for subsequent despatch and off-site recycling”**. As the description was identical to the previous amendment, the Assistant Clerk contacted the Planning Officer for clarification and was told that **“The re-notification is due to receipt of clarification of vehicular movements and Farm XS Sussex Member List, both received 21 Jan. The description has also been amended, with reference to cardboard storage omitted.”** The Parish Council once again maintained its strong objection and added additional comments:

- the HDC Environmental Health Officer should be consulted on the potential for land contamination through run-off;
- Given that Okehurst Lane is very narrow with no wide verges or pavements. It is very well served by the local footpath network and an increase in the volume of traffic and the size of these vehicles, represents a very real risk to walkers, cyclists, equestrians and other road users. In fact, the Parish Council would like to suggest that the road should be subject to a weight restriction;
- If this application is permitted, future intensification of activity at the site would add to the negative impact on neighbours and users of Okehurst Lane.

A request to “call in” the application to be heard at a meeting of the HDC Planning Committee (South) rather than being determined under delegated authority was also submitted.

The application was added to the agenda for the HDC Planning Committee South meeting on 16 March 2021. The Planning Officer has recommended that the application be refused and the Assistant Clerk contacted all Committee South members asking them to support the Planning Officer’s recommendation.

At the 16 March meeting (available to view on YouTube : <https://www.youtube.com/watch?v=grZcDYMV1-M>), it was stated several times that “none of the statutory consultees have objected” which is clearly not the case as the PC is a statutory consultee. The Assistant Clerk raised this issue with Emma Parkes and the email exchange is attached here.

The outcome of deliberation was that a Noise Impact Assessment (NIA) should be carried out and that the application would then be considered again at Committee. Cllr Kate Rowbottom pointed out that a NIA could not be carried out at the site as Planning Compliance had stopped the operation. It was suggested that the ambient noise level on Okehurst Lane could be

measured and noise level readings be taken at another Farm XS site and a best judgement then could be made using the data gathered.

The Parish Office was notified on 7 June that an amended application had been validated and was out for consultation. The re-consult is because the NIA has been submitted. Noise levels on a site in Staffordshire have been used as the baseline. The NIA is available to view on HDC's Public Access and there is a copy available in the Parish Office.

Jo Booth

Subject: FW: Parish Councils - are they statutory consultees in planning matters?

From: Emma.Parkes

Sent: 08 April 2021 09:32

To: Jo Booth <jo@billingshurst.gov.uk>

Subject: RE: Parish Councils - are they statutory consultees in planning matters?

Dear Jo

I have now had an opportunity to listen to the committee recording on YouTube and I confirm that the comments as you raised were made at the meeting.

It was clear in the officers report and in the comments made by officers at the meeting that the Parish Council raised an objection to the scheme, so this knowledge was known to members of the planning committee and considered as part of the debate.

Officers do not vet the comments of third parties when speaking at committee as it is their opinion they are expressing. However I acknowledge that both the agent and two members advised that there were no objections from statutory consultee's which is incorrect. I do not consider that this would have changed the outcome of committee, because the objections from the Parish were clear, however I will raise this with the Chairman of the committee and ensure that this point is clarified when the item returns to committee. I will also ensure that this point is covered in the next member training session or when I next send a planning update to all members.

I do hope my comments are of assistance but if you have any further questions do let me know.

From: Jo Booth

Sent: 01 April 2021 21:32

To: Emma.Parkes

Subject: Re: Parish Councils - are they statutory consultees in planning matters?

Dear Emma,

if you watch the youtube stream of the planning meeting on 16 March, you will clearly hear that the agent states that no statutory consultees objected (at 17.01 and again at 18.24).

Cllr Circus states that there were "no objections from statutory consultees" (at 28.30) and Cllr Clarke states (at 37.56) that "all statutory consultees are not objecting".

The views of the applicant's agent are not of concern, but it is deeply worrying that members of HDC do not recognise the Parish Council as a statutory consultee. It was gratifying to hear Jason Hawkes state very clearly at the start of the meeting that the Parish Council was maintaining its strong objection to the application. He clearly appreciates the importance of the PC's input but it is concerning that members do not place the same emphasis on it.

I welcome your comments once you have had time to review the recording of the meeting.

From: Emma.Parkes

Sent: 01 April 2021 11:58

To: Jo Booth

Subject: RE: Parish Councils - are they statutory consultees in planning matters?

Dear Jo

Sorry for not coming back to you sooner.

Parish Councils are statutory consultee's as listed in paragraph 009 table 2 at the link below.

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>

I do not recall an officer or member making that comment, but if that was the case do let me know.

Kind regards

From: Jo Booth

Sent: 01 April 2021 11:01

To: Emma.Parkes

Subject: Fw: Parish Councils - are they statutory consultees in planning matters?

Hello Emma,

are you able to help with my enquiry of a week ago? If not, please could you forward this to someone who can advise me. The PC has a Planning Committee meeting this evening and it would be useful to be able to update members.

Many thanks.

From: Jo Booth

Sent: 25 March 2021 10:32

To: Emma.Parkes

Subject: Parish Councils - are they statutory consultees in planning matters?

Hello Emma,

Please can you advise me? I have always believed that Parish Councils are statutory consultees in planning matters that arise in their Parish. There seems to be some doubt about this as evidenced at the Planning Committee (South) meeting last week when I heard several times that "no statutory consultees have objected" to an application whereas, in fact, this Parish Council had. Your help would be greatly appreciated as members of my Planning and Environment Committee are, rightly, concerned that the Parish Council's role is being undermined.

I would be grateful for your earliest reply so that I can report back to members.

Regards,

From: Jo Booth

Sent: 22 March 2021 11:14

To: Jo Booth

Subject: Link to gov.uk re statutory consultees

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees-on-applications>