

## Planning Committee – 22 June 2016

Please find attached item 8 – Three Oaks Waste Water Treatment Works for consideration at the Planning Committee meeting being held on 22 June 2016. This item was marked as to follow on the agenda published on 14 June 2016.

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Committee: **Regulatory  
Planning Committee**

Date: **22 June 2016**

Report by: **Director of Communities Economy and Transport**

Proposal: **Change of use of land to allow construction and operation of a wastewater pumping station with new layby off Fourteen Acre Lane, and a wastewater treatment works with new vehicular access from Butcher's Lane, together with ancillary fencing and landscaping.**

Site Address: **Land to south of Butcher's Lane and to west of Sailors Stream and land to north east of junction of Fourteen Acre Lane and Butcher's Lane in Three Oaks**

Applicant: **Southern Water Services Ltd.**

Application No. **RR/741/CM**

Key Issues: **Need for a further extension of time to complete Legal Agreement**

Contact Officer: **Jeremy Patterson Tel: 01273 481626**

Local Member: **Councillor Carl Maynard**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT**

### **SUMMARY OF RECOMMENDATIONS**

**To agree to an extension of time for the Legal Agreement to be completed and to authorise the Director of Communities, Economy and Transport to grant planning permission for application RR/741/CM upon completion of the Legal Agreement, subject to conditions along the lines agreed by Planning Committee on 14 October 2015. If the Legal Agreement has not been completed by 22 July 2016, the application shall be referred back for consideration.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT**

### **1. Introduction**

1.1 The application for the development of a First Time Sewerage Scheme (RR/741/CM) was previously considered by the Planning Committee at its meeting in October 2015. The Committee resolved that following the completion of a Legal

Agreement, the Director of Communities, Economy and Transport be authorised to grant planning permission subject to conditions.

1.2 This report is to inform the Committee of the progress regarding the completion of the Legal Agreement relating to the application and to seek agreement to an extension of time to allow completion of the Agreement, prior to determination of the application.

## **2. Need for extension of time to complete Legal Agreement**

2.1 This application relates to the development of a First Time Sewerage Scheme including the construction and operation of a wastewater treatment works, a wastewater pumping station and ancillary works. A copy of the previous Report and minutes of the Planning Committee in October 2015 are attached as Appendices 1 and 2, respectively.

2.2 The resolution of the Committee was that, subject to the completion of a Legal Agreement to carry out off site highway works, to authorise the Director of Communities, Economy and Transport to grant planning permission, subject to conditions. It was also resolved that if the Legal Agreement had not been completed within six months after the resolution (i.e. by 14 April 2016), the application would be referred back to Committee for consideration.

2.3 Although a Legal Agreement had been drafted, it had not been completed by the due date. Consequently, a report was considered by Committee at its meeting on 13 April 2016 (refer to Appendix 3) and it was resolved to allow an extension of time for the Agreement to be completed by 14 June 2016 and to authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Agreement, subject to conditions. It was also resolved that if the Legal Agreement had not been completed by 14 June 2016 the application would be referred back to Committee for consideration.

2.4 The main outstanding matter referred to in the report to Committee on 13 April, which referred to land ownership arrangements at the pumping station site off Fourteen Acre Lane, has continued to frustrate proceedings relating to the completion of the Agreement. Notwithstanding this, it is apparent that the land ownership arrangements at the pumping station site have been concluded and the agreement to the proposed works by the third party has now been secured. The Legal Agreement is now anticipated to be submitted imminently by the applicant to Legal Services at the County Council for completion.

2.5 There have been no material changes in the overall circumstances of the proposal or in the policy context related to it. However, certain administrative procedures associated with the Legal Agreement have delayed its completion and additional time is therefore required to be able to conclude this matter.

2.6 Accordingly, it is recommended that an extension of time be given until 22 July 2016 for the Legal Agreement to be completed. If the Agreement is not completed by that date, the application should be referred back to Planning Committee.

### **3. Recommendation**

3.1 The Committee is recommended that:

- (i) The resolution in respect of application RR/741/CM is amended to allow a further extension of time for the completion of the Legal Agreement;
- (ii) The Director of Communities, Economy and Transport is authorised to grant planning permission upon completion of the Legal Agreement in (i) above subject to conditions along the lines of those agreed at the meeting of the Planning Committee on 14 October 2015; and
- (iii) If the Legal Agreement is not completed by 22 July 2016 the application will be referred back to Committee for consideration.

RUPERT CLUBB  
Director of Communities, Economy and Transport  
16 June 2016

#### **BACKGROUND DOCUMENT**

Application file RR/741/CM

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Committee: **Regulatory  
Planning Committee**

Date: **14 October 2015**

Report by: **Director of Communities, Economy and Transport**

Proposal: **Change of use of land to allow construction and operation of a wastewater pumping station with new layby off Fourteen Acre Lane, and a wastewater treatment works with new vehicular access from Butcher's Lane, together with ancillary fencing and landscaping.**

Site Address: **Land to south of Butcher's Lane and to west of Sailors Stream and land to north east of junction of Fourteen Acre Lane and Butcher's Lane in Three Oaks**

Applicant: **Southern Water Services Ltd.**

Application No. **RR/741/CM**

Key Issues: **(i) Need for & purpose of the development  
(ii) Effect on High Weald AONB  
(iii) Effect on amenity  
(iv) Highway & traffic issues  
(v) Effect on wildlife & ancient woodland  
(vi) Effect on the archaeological interest & Listed Buildings  
(vii) Effect on public rights of way  
(viii) Flood risk**

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Carl Maynard**

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## **SUMMARY OF RECOMMENDATIONS**

**1. The Committee is recommended that the application be approved subject to the completion of the following procedure:**

**(i) The completion of a Legal Agreement to carry out off site highway works;**

**(ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement, subject to conditions along the lines of, as indicated in paragraph 8.3 of this report.**

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**2. If the Legal Agreement has not been completed within six months, the application shall be referred back to Committee for consideration.**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. The Site and Surroundings**

1.1 The site is located at Three Oaks, a village which is situated in the High Weald Area of Outstanding Natural Beauty (AONB). The settlement of Westfield is just over 2 kilometres to the north-west of the village and the A259 is about 650 metres to the north-east and provides access to Hastings to the south-west and Icklesham and Winchelsea to the east. Butcher's Lane runs south-west to north-east through the centre of Three Oaks and crosses over the Ashford – Hastings railway line. Fourteen Acre Lane runs northwards from Butcher's Lane at the eastern edge of the village.

1.2 Development requiring planning permission is proposed at two sites. Firstly, the northern part of an agricultural field at the western end of the village, which is proposed to be used for a new wastewater treatment works (WTW). This site is adjacent to Sailor's Stream, as well as Butcher's Lane, from which access would be gained. The Guestling 32a public footpath crosses the site. Residential properties, including two listed buildings, are present on the opposite (north) side of the road, the nearest being 19 metres from the boundary fence, with the village hall located 100 metres to the east. Woodland adjoins to the north, west and east of the site. Secondly, a small area of an agricultural field on the east side of Fourteen Acre Lane, approximately 40 metres to the north of the junction with Butcher's Lane, which would accommodate a pumping station (PS).

### **2. The Proposal**

2.1 The proposal is for a First Time Sewerage scheme (covering all waste water flows) within the village, as householders currently rely on private drainage systems. The scheme would be a gravity system and would connect properties in Butcher's Lane, Morgay Wood Lane, Eight Acre Lane, Fourteen Acre Lane, Maxfield Lane and Willow Close to a new public sewer. A new PS would be constructed on land adjoining Fourteen Acre Lane, which would receive sewage flows from properties in the northern part of the village. The PS site would be approximately 150 square metres in area and would comprise a below ground valve chamber and wet well containing duty/standby submersible pumps. At surface level, there would be areas of hardstanding, covered hatches, a small kiosk (1.6 metres high) and a lay-by providing access to the compound. The boundary fence would be of weld mesh construction, standing at 1.8 metres in height.

2.2 From the PS a sewer would transfer flows to the new WTW, which would be located on land to the south of Butcher's Lane. This location is one



of the lowest levels in the village, which is required for a gravity system and is adjacent to a watercourse (Sailor's Stream) so that following treatment, the effluent can be discharged by a new outfall. The new WTW would be about 7500 square metres in area and include the following: an inlet PS; 2 septic tanks; 2 secondary biological treatment package plants; 2 humus settling tanks; a kiosk housing aeration blowers (3 metres high); a kiosk housing control panels (4 metres high); standby generator (3.2 metres high); small pumping stations for drainage and surface water; a treated effluent sampling chamber and outfall to discharge to Sailor's Stream. The boundary would be delineated by a 1.8 metres high weld mesh fence. In addition, a new vehicular access to the WTW would be constructed from Butcher's Lane. It would be located adjacent to the existing public footpath (Guestling 32a), which tracks from Butcher's Lane in a southerly direction adjoining the edge of the proposed WTW site. The entrance bell-mouth and radii have been designed to accommodate the largest vehicle that would visit the site (an articulated sludge tanker). After the bell-mouth the access road would be a 4 metres wide one way access.

2.3 Development associated with the underground works, including the sewer and other pipe work is considered to be permitted development, which does not require express planning permission. The construction of the project, including the permitted development components, would generate on average about 20 light vehicle and 6 heavy goods vehicle (HGV) movements per day, which is likely to rise to 10 daily HGV movements during the first and last two weeks of the construction programme. It is anticipated that operational activities at the WTW will generate about one visit every 2 weeks to remove sludge. Temporary construction compounds would be located at both the WTW and PS development sites and landscape planting would be carried out at both sites.

2.4 The discharge of treated waste water is the subject of a separate consent from the Environment Agency (EA), which will set the limits on the levels of suspended solids, biological oxygen demand and ammonia in the treated effluent that can be discharged from the new WTW into Sailor's Stream. These requirements set the standard of sewage treatment that has to be provided.

### **3. Site History**

3.1 In 1996, Rother District Council applied to Southern Water to provide a public sewerage system for the village under the Water Industry Act 1991. Southern Water rejected the application in 1998. However, Southern Water undertook a re-assessment in 2005, which confirmed its earlier decision, at which point the District Council lodged a dispute with the EA (the final arbiter in such disputes). The EA concluded that to address the risk of pollution, which presents a risk to public health and the environment, a public sewerage system should be constructed. Consequently, Southern Water is now legally obliged to provide such a system, which led to the submission of this planning application.

## 4. Consultations and Representations

4.1 Rother District Council raises no objections, subject to the inclusion of a condition regarding restrictions on the use of floodlighting or external illumination.

The Conservation Officer at the District Council notes that the only element of the works which could affect the setting of the Listed Buildings is the proposed security fence on the northern boundary of the site. It is suggested that this is placed further south into the site to reduce its prominence and visibility and to allow for an increase in the landscape buffer south of the stream so as to maintain the rural character of the Lane and the setting of the Listed Buildings. It is also suggested that an appropriate colour would help to reduce its prominence.

4.2 Guestling Parish Council has not submitted any observations.

4.3 Highway Authority has not raised objections. However, an updated Traffic Management Plan would be required for approval, which would need to include a vehicle routing plan, signage, a delivery schedule/timetable to avoid peak traffic flows and large vehicles meeting head on along narrow lanes, wheel washing facilities and traffic controls. Other conditions are also recommended, including on turning and access arrangements.

4.4 Environment Agency notes that the site is partly located within a Flood Zone 3, which is defined by the National Planning Policy Framework as having a high probability of flooding. The original Flood Risk Assessment (FRA) submitted with the application does not demonstrate that the development will not increase flood risk elsewhere and in the absence of an acceptable FRA, an objection is raised. However, subsequent amendments to the FRA by the applicant have resulted in the EA stating that it wishes to remove its objection. This is because an assessment of flood modelling of Sailor's Stream and of the loss of flood storage has been undertaken. It is noted that the development would cause an increase in flood levels on the site by 2cm, with no increase in flood risk downstream of the site. The Agency considers the suitability of measures to address surface water drainage should be assessed by the County Council's Flood Risk Management Team.

4.5 ESCC Flood Risk Management Team does not consider that the applicant has adequately addressed matters relating to surface water drainage at the site. Consequently, any permission should include conditions requiring detailed hydraulic calculations, a maintenance and management plan for the entire drainage system, provision of catch-pits and the lining of surface water storage features.

4.6 Representations: Five residents have made representations objecting to, or commenting on the proposal, with two having made more than one submission. Three Oaks Village Hall and the Campaign to Protect Rural England (Sussex Branch) have also objected to the scheme. The landowner of the site of the PS in Fourteen Acre Lane has also submitted comments.

The Rambler's Association for Guestling Parish originally objected to the proposal but has withdrawn the objection due to revisions having been made to the application.

The objections from residents can be summarised as follows: (i) Effect of WTW development on the setting of Sailor's Stream Cottage and Honeysuckle Cottage Listed Buildings; (ii) Increase in flood risk from the WTW development in the locality, including the road, residential properties and land downstream; (iii) There are alternative sites for the development; (iv) The development would adversely affect the landscape and views; (iv) Additional traffic would create disturbance; (v) The PS in Fourteen Acre Lane would be better located elsewhere; (vi) The development would lead to the pollution of Sailor's Stream; (vii) Access in Butcher's Lane is narrow and the road is used by speeding vehicles and the development would increase the risk of accidents; (viii) There is a question over whether the development is actually needed; (ix) The potential for noise and odour & effects on amenity; & (x) The potential effects on wildlife.

Three Oaks Village Hall objects on the grounds that its main source of revenue will be reduced due to the noise and odour from the WTW and that the existing screening is not sufficient during the winter; there is also a risk of flooding and alternative sites should have been looked at. The Campaign to Protect Rural England objects on the grounds of potential flooding, the impact on the amenity of the village, including the village hall, and the effect on the nearby Listed Buildings in the AONB landscape. The landowner of the PS site in Fourteen Acre Lane notes that while support is given to the scheme, concerns are raised regarding the development being located on the east side of the road, rather than within the developed area on the west side.

## **5. The Development Plan and other policies of relevance to this decision are:**

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP1 (Presumption in favour of Sustainable Development); WMP7a (Sustainable Locations for Waste Development); WMP10 (Management of Waste Water and Sewage Sludge); WMP25 (General Amenity); WMP26 (Traffic Considerations); WMP27 (Environment); & WMP28a (Flood Risk).

5.2 Rother District Local Plan 2006: Saved Policies: DS1 (ii), (vi), (ix) & (x) (Development Principles) and GD1 (ii), (iii), (iv), (v), (vi), (vii), (viii) & (xv) (General Development Considerations).

In July 2012, Rother District Council determined that virtually all its 2006 Rother District Local Plan policies were compliant with the National Planning Policy Framework. Policies in the Rother District Local Plan 2006 will continue to be used to determine planning applications along side the NPPF.

5.3 Rother District Council Core Strategy 2014: Parts 13 (Sustainable Resource Management).

5.4 National Planning Policy Framework (NPPF) 2012: The Core Planning Principles and Parts 7 (requiring good design), 10 (meeting the challenge of climate change, flooding and coastal change), 11 (conserving and enhancing the natural environment) and 12 (conserving and enhancing the historic environment) are relevant.

The NPPF does not change the status of the Development Plan as the starting point for decision making. It constitutes guidance as a material consideration in determining planning applications. The NPPF does not contain specific waste policies but regard should be had to NPPF policies so far as relevant.

5.5 National Planning Policy for Waste (NPPW) 2014

The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and positive planning plays a pivotal role in delivering these ambitions.

5.6 The High Weald AONB Management Plan 2014-2019: This Plan is focused on delivering the statutory purpose of AONB designation, which is conserving and enhancing natural beauty, while taking account of the needs of agriculture, forestry and other rural industries and of the economic and social needs of local communities.

## **6. Considerations**

### **Need for & purpose of the development**

6.1 Policy WMP1 of the Waste and Minerals Plan states that there will be a positive approach to waste development that reflects the presumption in favour of sustainable development contained in the NPPF. When there are no policies relevant to the proposal, planning permission will be granted unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Policy WMP10 of the same Plan relates to the management of waste water and sewage sludge and although the proposal does not represent an extension or replacement of existing infrastructure, as set out in the Policy, it does seek to provide a new facility for the management of wastewater and sewage treatment, which would meet relevant environmental standards and improve the operational efficiency of wastewater and sewage sludge management, which are requirements of the Policy. Part 13 of Rother District Council's Core Strategy seeks to ensure that a robust and resilient water supply and waste water infrastructure is in place, as it considers this as essential to the well-being of residents and businesses.

6.2 It has been evident for some time that pollution has been occurring in the village due to failing private drainage systems. An assessment by the District Council in the late 1990s revealed that many of the private drainage facilities were either inadequate, or within soil structures which are unable to

effectively absorb discharges. Despite this, the District Council's application to provide a public sewerage system was rejected by Southern Water. Although Southern Water re-assessed the situation in 2005, it came to the same conclusion in rejecting the District Council's application. This led to the District Council lodging a dispute with the EA. In considering the matter, the EA concluded that the state of the private drainage infrastructure was such that there was a risk to public health and the environment if it was allowed to continue. Consequently, the EA requires Southern Water to construct a public sewerage system.

6.3 The applicant has identified a gravity system as the preferred engineering solution, whereby sewage flows by gravity to a WTW, which discharges treated effluent to a watercourse, thereby recycling it back into the environment. According to the applicant, this system minimises energy requirements, requires less infrastructure and uses reliable, tried and tested technology to achieve the required solution. An area of land was identified at the south-western side of the village as being one of the lowest levels in the locality, a requirement for a gravity system. The site provides sufficient space to construct a new treatment works, as well as being adjacent to a water course to accept treated flows.

6.4 Local residents have noted that there could be alternative sites within the village which might be suitable for this development. As well as the application site, the applicant had considered two other sites within an area of search that centred on the lowest part of the village. One of these sites (Site 1) is to the east of the application site, on the south side of the village hall and the other site (Site 2) is on land on the north side of Butcher's Lane to the west of Sailor's Stream. According to the applicant, Site 1 had been discounted, as it is susceptible to flooding and would require a substantial loss of trees; Site 2 is also susceptible to flooding and the landowner was unwilling to release the site. The willingness of the landowner to release land without recourse to compulsory purchase order procedures is a key deliverability factor for the developer. The application site (Site 3) was chosen, as it does not flood in its entirety, it would result in the loss of relatively few trees and the landowner is willing to release the land.

6.5 The applicant has stated that 'to do nothing' is not an option and that a solution is necessary to protect the environment and ensure the health and social well being of the local community. Moreover, Southern Water now has a statutory duty to provide the village with a public sewerage system. However, there is no legal power to force householders to connect to the new system but if at any time existing private systems are found to be causing pollution once the system is commissioned, the householder can be served with an Enforcement Notice by the District Council's Environmental Health Officer requiring them to 'cease polluting'. This would require the householder to repair or replace their system, or to connect to the new public sewerage system. Failure to comply could lead to criminal proceedings being taken against the householder.

6.6 There is a compelling need for this proposed first time sewerage system. The two sites for a treatment works and pumping station, which have been identified in the planning application to facilitate the development, are acceptable and policies in the Development Plan support the implementation of this essential infrastructure.

### **Effect on High Weald AONB**

6.7 Policy WMP7a of the Waste and Minerals Plan states that small-scale facilities should not be precluded from the High Weald AONB where development is for local needs and where it would not compromise the objectives of the designation. WMP27 of the same Plan requires development to conserve and enhance the local character and environment, and permission will not be granted where the development would have a significant adverse impact on the High Weald AONB. Saved Policies DS1(vi) and GD1(v) of the Rother District Local Plan requires proposals to be compatible with the conservation of the natural beauty of the AONB. The NPPF also affords great weight to conserving landscape and scenic beauty in AONBs. The High Weald AONB Management Plan seeks to conserve and enhance natural beauty, while taking account of, inter alia, the economic and social needs of local communities.

6.8 As the site is located in the AONB, development proposals would need to have regard to the purposes of the AONB designation. The location of the site requires that the development demonstrates protection and enhancement of valued landscapes in accordance with the Development Plan and NPPF. Moreover, the proposed development would need to incorporate suitable mitigation measures to ensure that it would not have an unacceptable impact on the landscape and visual amenity of the natural beauty of the AONB landscape.

6.9 The character of the countryside surrounding the built up area of Three Oaks is typical of the High Weald countryside, incorporating a patchwork of small fields with well-defined boundaries, tall hedgerows and scattered small woods. Stands of ancient woodland are present to the south-west of the proposed WTW site and on its south-eastern boundary. There are currently views into the proposed WTW from the Guestling 32a public footpath to the south with more restricted views from Butcher's Lane and the nearest residential properties on the north side of the road. There are also views of the proposed PS site in Fourteen Acre Lane from properties opposite the site.

6.10 The proposed WTW will have some localised effect on the existing landscape, which will involve the introduction of new structures and the removal of some trees. The proposed entrance to the WTW will require the loss of part of a mature hedgerow and trees on the south side of Butcher's Lane and a small number of other trees and vegetation would be removed at the south-west corner of the site and at the northern boundary adjacent to Sailor's Stream, and at two discrete locations on the west and east sides of the site boundary. The proposed PS in Fourteen Acre Lane would require the removal of a section of mature hedging. The applicant is mindful that the loss

of trees and vegetation could have an adverse effect, albeit a localised one. Consequently, a survey and assessment of trees and vegetation was undertaken, which included measures on how retained trees would be protected during construction and the extent of new planting that would be required to mitigate the removal of vegetation.

6.11 Following the survey and assessment, the applicant has developed a landscape plan. At the WTW site, some of the equipment is below ground and the above ground structures are relatively low level. Substantial new tree and hedgerow planting is proposed on the west side of the proposed access and at the southern and eastern boundaries to allow more effective integration within the local landscape. Existing woodland between the proposed access and the treatment plant will be retained and offer substantial screening. A small amount of planting is also proposed at the northern boundary but due to the proximity to Butcher's Lane and the nearest residential properties, it is recommended that further assessment should be undertaken to establish whether additional planting could be incorporated, including the use of heavy standard trees, for a more immediate screening effect. This assessment should also consider the potential for re-aligning the boundary fence to enable additional planting to be undertaken. A condition is proposed to this effect.

6.12 At the PS site, the loss of the hedgerow will result in nearby residents gaining some views of the development, although these would be restricted due to the orientation of the properties. The PS can be screened from the north, east and south, as the applicant proposes to include a new hedge on these sides which form a boundary with the open field alongside the proposed weld mesh fence. This will enable its integration within the wider AONB landscape. However, it will not be able to be screened from the west as access is required from the road. Despite this, the PS is very modest in size and most of the equipment is located below ground. While, in principle, the planting proposals are acceptable, details of the hedgerow specification are required and a condition is proposed to cover this point.

6.13 Although there will be some adverse effect on the local landscape from the development, particularly in the short term, the proposed planting will enable suitable integration in the longer term and subsequent protection of the AONB. Therefore, the effect on the landscape can be mitigated. Given the importance of the proposed infrastructure to manage waste water in the village and the reduction in pollution which would occur from private facilities, any short term intrusion of the development in the landscape would not justify a refusal of planning permission. The development has to take place in Three Oaks and the proposal provides a facility that would improve drainage resulting in benefits for the environment as a whole and for the social well being of the local community. On balance, these benefits have sufficient merit to accord with the aims of the High Weald Management Plan to protect the AONB, provided that suitable landscaping mitigation is achieved.

## **Effect on amenity**

6.14 Policy WMP25 of the Waste and Minerals Plan requires development to have no unacceptable effect on amenity within the locality of the development and that there should be no significant adverse effect on air quality; adequate means of controlling, inter alia, noise and odour should be secured and there should be no unacceptable effect on the recreational use of an area. Saved Policy GD1(ii) of the Rother District Local Plan requires development to be in keeping with and not unreasonably harm the amenities of adjoining properties. Although the proposed development is within the village, the two development sites are on land at the periphery. Notwithstanding this, the two sites are proximate to several residential properties and in the case of the WTW, the village hall, which has led to concerns being raised regarding the potential effects on amenity.

6.15 It is inevitable that the construction of a new WTW and PS in a village environment will result in some disturbance and change to amenity. Some residents have referred to a loss of amenity. However, the applicant is mindful of this and proposes to undertake the development in line with a Construction Management Plan and Environmental Plan, which would include measures to control noise, odour, dust and litter. The development will also include measures to screen the sites and reduce the visual effects. Moreover, the development of a modern treatment plant to manage wastewater and sewage will reduce the continuing pollution from failing private drainage facilities, which result in odour and pose a risk to health, thereby benefiting amenity.

6.16 Issues relating to loss of amenity include noise and odour, together with visual effects and effects from traffic (transport issues are considered below). There will be some noise from construction activities and all works will be managed in accordance with relevant British Standards which require that noise controls should be adopted. The applicant has stated that construction activities will be managed in line with its own Environmental and Construction Management Plans, which will control noise, for example, by using acoustic screens around plant. The applicant does not anticipate that the proposals will generate operational noise that would unduly adversely affect residential amenity. At the PS, the pumps would be below ground and at the WTW the standby generator would be housed in a kiosk which would provide acoustic attenuation. However, this would only be operated in the event of a power failure to enable treatment to continue. Blowers and other equipment would also be housed in kiosks which would provide noise attenuation. Despite this, it is recommended that conditions are included which would seek to protect amenity from noise during operations.

6.17 Activities associated with sewage treatment have the potential to generate odour. However, the proposed treatment process comprises primary settlement followed by aerobic biological filtration, which is not an odorous treatment process. The design of the new sewerage system incorporates certain engineering practices that will minimise the risk of build-up of odorous material and avoid anaerobic conditions developing, thereby reducing odour. These include locating the proposed WTW in the village whereby sewage will



not have to travel far before treatment commences, and designing the inlet PS as a covered well to further reduce any odour emissions. There will be no sludge treatment at the site. Instead, it will be stored in a sealed tank and then removed by tanker once a fortnight. The failing private drainage systems create odour and the new treatment plant will reduce that impact.

6.18 In terms of visual appearance, the WTW would be partially visible from Butcher's Lane and from the nearest residential properties on the north side of the road; the nearest property would be 19 metres from the WTW boundary fence. The WTW is fairly modest in scale with the highest structures being located towards the southern part of the site, away from Butcher's Lane. The kiosks would be coloured green to help their integration against a backdrop of existing woodland to the west and new planting to the south. Existing trees partly obscure the site from the north and although there would need to be some removal of vegetation to accommodate the WTW, additional tree planting on the northern boundary of the WTW would be carried out, which would contribute to the screening of the development. Despite this, a condition is recommended to assess the potential for additional planting in this area. A green coloured, 1.8 metres high weld mesh fence is proposed at the boundary of the WTW, which would be less visually intrusive than the security fence originally proposed.

6.19 The PS in Fourteen Acre Lane will be visible from the nearest properties opposite the site. The front elevation of the property directly opposite would be 30 metres from the compound fence and about 24 metres from the edge of the lay-by. Above ground structures would be limited to a small kiosk and the fencing around the boundary would be only 1.8 metres in height. Hedgerow planting would be carried out behind the fence to reduce its visual effect.

6.20 Although it is likely that there will be some visual effect in the short term resulting from the WTW, this will be reduced over time when the planting matures. At the PS, although planting will help reduce the visual effect to the rear and sides of the compound, it will remain visible from the west; despite this, any views would be limited. Taking all the above matters into account, any adverse effect to amenity would not outweigh the benefits which would occur as a result of the development of a more sophisticated and safer wastewater treatment system. As such, there would be no unacceptable effect on policies in the Development Plan to protect amenity.

### **Highway & traffic issues**

6.21 Policy WMP26 of the Waste and Minerals Plan requires that proposals will be permitted where, inter alia: access arrangements are appropriate; no unacceptable safety hazards for other road users would be generated; no unacceptable adverse impact upon existing highway conditions in terms of congestion and parking would arise; there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas; and adverse traffic impacts that would arise can be satisfactorily mitigated by routing controls or other highway improvements. Saved Policy GD1(iii) of the Rother

District Local Plan requires proposals to provide for adequate and safe access by all modes of transport, seek appropriate parking provision and not result in unacceptable traffic or transport conditions.

6.22 The applicant has considered the potential effects of traffic generated by the proposal on the public highway and in the locality generally. According to the applicant, construction of the whole project will generate, on average, approximately 20 light vehicle movements and 6 HGV movements per day. This would be likely to rise to 10 HGV movements during the first and last two weeks of the construction programme. All construction related vehicles will park within the temporary construction compounds/working areas at both the WTW and PS sites. Operational activities at the WTW will generate about 2 lorry tanker movements each month, although staff will visit the site several times per week for maintenance purposes. Access to the PS will be undertaken as and when required for routine maintenance and security of plant and equipment.

6.23 The applicant will seek to manage the potential effects on road safety and congestion through the preparation and implementation of a Traffic Management Plan (TMP), which would be required for approval by the Highway Authority. The TMP will include information on haul routes, road closures and diversions, traffic controls and signage, a delivery schedule and measures to manage mud on the highway. While the Highway Authority has not raised an objection to this development and does not consider that operational traffic would give rise to any concerns, it proposes the submission of a comprehensive TMP, which is the subject of a recommended condition; moreover, other requirements, including on access, are also the subject of recommended conditions.

6.24 Local residents have raised concerns regarding the narrowness of Butcher's Lane in providing access and the potential conflict with other traffic. Although there will be some localised disruption resulting from the development of these essential works, the construction period will be temporary and the TMP will seek to manage traffic and the potential effects on the highway and its users throughout the duration of the project. After construction and during operations, relatively few visits will take place, including one tanker every two weeks to collect sludge for removal. This level of traffic needs to be placed in the context of the number of lorry trips which would be necessary to empty private drainage facilities from properties, which if undertaken appropriately, would exceed the number required for the new WTW.

6.25 The proposal is acceptable in highway terms and there is no conflict with Development Plan policies. Conditions are recommended, including the submission of a TMP and on access arrangements. There is also a requirement for a legal agreement to be completed so that off site highway works, particularly in relation to the PS lay-by, can be approved and overseen by the Highway Authority.

## **Effect on wildlife & ancient woodland**

6.26 Policy WMP27(b) of the Waste and Minerals Plan seeks to maximise opportunities for increasing biodiversity and habitat creation. Saved Policy DS1(x) of the Rother District Local Plan seeks to protect ancient woodland from development that would prejudice its ecological and landscape value and Saved Policy GD1(vii) of the same Plan protects habitats of ecological value and incorporates, wherever practicable, features that enhance the ecological value of the site. The Natural Environment and Rural Communities Act 2006 requires public authorities to have regard to the purpose of conserving biodiversity. The NPPF also seeks to protect features of nature conservation interest and the High Weald Management Plan seeks to conserve and enhance natural beauty, including wildlife.

6.27 There are no statutory designated sites for nature conservation near to the development sites, although areas of ancient woodland are present within the locality. However, given the diverse range of habitats, and species, that could be affected by the development, particularly at the WTW site, an Extended Phase 1 Habitat Survey was carried out by the applicant, which was followed by various ecological surveys, including for European Protected Species. As a result of this, Dormice, Great Crested Newts and bats (all European Protected Species) have been confirmed as being present on the WTW site and are likely to be impacted by the proposed development. European Protected Species mitigation licences are therefore required which must include mitigation strategies. These strategies will be required by condition. To reduce the effects of the development on wildlife, the applicant is proposing to plant trees and hedgerows within both the proposed WTW and PS development sites, incorporating native species, which will provide some compensation for loss of habitat. Apart from an area of ancient woodland to the south west of the WTW site, there is also another area adjoining the south east boundary, which could be affected by the development. However, this would be protected, including the Root Protection Zones, throughout the construction period by appropriate fencing.

6.28 The proposal to treat all wastewater flows within the village will contribute to a reduction in pollution from failing private drainage facilities. As a result, the environment will benefit from a reduction in pollution and so will be of benefit to wildlife. Subject to the inclusion of conditions to provide appropriate mitigation to protected species and protection of ancient woodland, the proposal is supported by Development Plan policies, the NPPF and High Weald Management Plan.

## **Effect on the archaeological interest & Listed Buildings**

6.29 Policy WMP27 of the Waste and Minerals Plan requires development to conserve and enhance the local character and environment and permission will not be granted where the development would have a significant adverse effect on, inter alia, Listed Buildings and sites recognised for their cultural heritage and historic significance. Saved Policy GD1(viii) of the Rother District Local Plan also seeks to protect sites of archaeological and historic

importance. Part 12 of the NPPF requires development to conserve and enhance the historic environment. The Planning (Listed Buildings and Conservation Areas) Act 1990 under Section 66, states that, local planning authorities should have special regard to the desirability of preserving listed buildings or their settings in considering whether to grant planning permission.

6.30 The proposed development has been subject to archaeological desk-based assessment and the WTW site to geophysical survey and trenching. The results of the assessment and evaluation demonstrate that this site contains heritage assets with archaeological interest, in particular evidence for Mesolithic, later Prehistoric and subsequent activity in the area to the west of Sailor's Stream. As there is potential for heritage assets with archaeological interest to be affected by aspects of the proposed development, both areas affected by the proposals should be the subject of a programme of archaeological works, so that adequate recording can take place of any archaeological features and deposits. Therefore, conditions are recommended for a programme of archaeological works to be secured and appropriate investigation and assessment to be carried out.

6.31 The nearest residential properties to the WTW are Grade 2 Listed Buildings, namely Sailor's Stream Cottage and Honeysuckle Cottage. The nearest part of Sailor's Stream Cottage is 16 metres from the northern boundary of the application site, 19 metres from the boundary security fence and about 26 metres from the nearest above ground plant. The owners of these properties have raised concerns regarding the effect of the development on the setting of the buildings.

6.32 While the buildings are proximate to the WTW, they are separated by Butcher's Lane, Sailor's Stream and vegetation. The main entrance to the WTW, which will be the most developed part of the street scene in this location, will be over 70 metres distant to the west of the buildings and would not have an effect on the setting of the Listed Buildings.

6.33 Although the WTW will be largely low level, one feature of the development which could affect the relationship of the Listed Buildings with the development is the security boundary fencing. Although a cranked top barbed wire fence had previously been put forward, a green coloured weld mesh fence is now proposed, which is less obtrusive and therefore, less harmful in relation to the setting of the Listed Buildings. Despite this, additional planting at the northern part of the site would help to integrate the fence more readily into the rural context and a condition is recommended to require further investigation into this possibility. Even though the Listed Buildings are near to the WTW, its separation and the proposed measures to ameliorate any effect, are considered sufficient for there to be no resulting undue adverse affect on the setting of the buildings, and therefore no conflict arises with Development Plan policy or other legislative requirements.

## **Effect on public rights of way**

6.34 Policy WMP25 of the Waste and Minerals Plan requires that development should ensure that there is no unacceptable effect on the recreational or tourist use of an area, or the use of existing public access or rights of way.

6.35 A public footpath, Guestling 32a, tracks north-westwards from the south-east across the field within which the WTW is proposed to be located. The line of the path crosses the western side of the application site at two points on the WTW access track. While the integration of the footpath in to the proposal has developed since the application was originally submitted, which has resulted in the Rambler's Association for Guestling Parish withdrawing its objection, the proposed specification is not considered to be acceptable overall. Therefore, in order to provide for an appropriate specification for the full length of the affected path, it is recommended that relevant details should be required to be submitted by condition. Subject to the submission of these details and their approval, it is considered that the path can be successfully accommodated within the development and would not unduly adversely affect the amenity of its users.

## **Flood risk**

6.36 Policy WMP28a of the Waste and Minerals Plan states that development will be permitted if it can be demonstrated that, inter alia, a proposal will adequately provide for the implications of flood risk in that it would not increase the risk of flooding on the site or elsewhere, that there would be no significant adverse effect on the nature conservation and amenity value of rivers and that appropriate measures are included to reduce surface water run off. Saved Policy GD1(xv) of the Rother District Local Plan takes account of flood risk and in the areas of flood risk it is expected to minimise and manage the risk of flooding. Part 10 of the NPPF addresses flood risk whereby new development should be steered to areas with the lowest probability of flooding. However, it is explained that there are appropriate uses on land with a high probability of flooding, which includes essential infrastructure such as wastewater treatment works.

6.37 Local residents raise concerns regarding the potential for further flooding at the site and note that any increase in water discharge into the stream could exacerbate the problem. The applicant is mindful of the flood risk and has undertaken a Flood Risk Assessment, which considers flooding from fluvial, surface water and groundwater sources. The eastern boundary of the site is formed by Sailor's Stream, which runs adjacent to Butcher's Lane for about 30 metres before passing under the road via a culvert. The EA's flood zone maps show an area of the eastern side of the site to be within Flood Zone 3 (land assessed as having a 1 in 100 or greater annual probability of fluvial flooding). According to the applicant, Flood Zone 2 (land assessed as having between 1 in 100 and 1 in 1000 annual probability of fluvial flooding) is only a little larger indicating that the floodplain is contained in a relatively steep sided valley. Flooding from Sailor's Stream within the site

boundary has occurred in the past, most recently in 2010. Although this did not overtop Butcher's Lane, it demonstrates that the lower lying areas of the site have a high probability of flooding. The site also appears to be in an area at high risk of groundwater emergence.

6.38 As a consequence, modelling has been undertaken, which gives a 1 in 100 annual probability flood level of 16.57 metres above Ordnance Datum (OD) upstream of the Butcher's Lane culvert. The culvert surcharges when the Sailor's Stream is in flood and is the main control on flood levels. The majority of the WTW is located outside of the 1 in 100 annual probability flood outline with only a few small components, such as the inlet PS and final effluent chamber located within the flood outline. Those components within the flood outline have had their design levels set above 17 metres OD and therefore above the 1 in 100 annual probability flood level for fluvial flood risk. The mitigation for fluvial flood risk will also mitigate for risk of flooding from groundwater. The design of the components and foundations below ground level is suitable and will not be affected by groundwater flooding.

6.39 New developments may cause a loss in floodplain, which can result in offsite impacts by raising peak water levels and increasing flood risk elsewhere. However, only a few small components of the WTW have been located within the 1 in 100 annual probability flood outline. These components will be raised above the flood level and thus there would be some resulting loss of floodplain storage. The total loss of such storage in a 1 in 100 annual probability flood is about 36 cubic metres. In context, if this volume were spread across the area of the flood outline upstream of Butcher's Lane, it would be the equivalent of a 6mm increase in flood depth. The small loss of floodplain storage therefore presents no real increase in flood risk to any third party buildings upstream and no significant detriment to land, or to any properties downstream of the Butcher's Lane culvert. Effects of climate change have also been modelled and the conclusions are that, while there might be an increase in peak river flows, the design levels of all components within the flood outline are still within the flood level.

6.40 The WTW will discharge an average flow of 0.0001 m<sup>3</sup> /s, which is insignificant when compared to the peak flow calculated for Sailor's Stream (e.g. 6.5 m<sup>3</sup> /s for a 1 in 100 annual probability flood). The construction of the WTW and access track will result in 1670 square metres of impermeable surfaces that will increase runoff compared to greenfield rates. To compensate for this, the applicant is seeking to store runoff on site to attenuate flows through infiltration to soils and allowing indirect discharge to the stream. However, the Flood Risk Management Team consider that this method is not appropriate due to the high groundwater levels, and drainage should take place at a lesser rate compared to that calculated by the applicant. It is also felt that the storage features should also be lined to prevent ingress of groundwater. These and other requirements regarding drainage are recommended to be covered by conditions. Subject to submission and approval of these conditions, the risk of flooding from the development and the drainage of the site are considered to be acceptable.

## **7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is for a First Time Sewerage Scheme, which would enable residents of Three Oaks village to connect to a public sewer. Currently, all households treat wastewater through private means, many of which are inadequate, cause pollution and threaten health. Consequently, there is an overriding need for this essential infrastructure. The WTW and PS development sites will have a limited effect on the local AONB landscape in the short term but this can be mitigated so that the sites can be more effectively integrated into the landscape. Few residents in the village will be affected after construction has been completed. However, the inclusion of recommended conditions will safeguard amenity throughout the operational phase of the development. Conditions will also seek to protect wildlife and ancient woodland during construction, together with any archaeological interest. The setting of the nearby Listed Buildings will not be adversely affected and the Guestling 32a public footpath will be accommodated as part of the development. The use of the highway during construction will be tightly managed and relatively few vehicles will be required during operational activities. The site has been designed to take account of the potential flood risk in this location and subject to proposed conditions on stricter surface water drainage, the scheme presents no significant increased risk to flooding. The proposal is considered acceptable and complies with Policies WMP1, WMP7a, WMP10, WMP25, WMP26, WMP27 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policies DS1 and GD1 of the Rother District Local Plan 2006 and Part 13 of the Rother District Council Core Strategy 2014, the NPPF 2012 and the High Weald AONB Management Plan 2014-2019.

7.3 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

## **8. Recommendation**

8.1 The Committee is recommended that the application be approved subject to the completion of the following procedure:

- (i) The completion of a Legal Agreement to carry out off site highway works;
- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement, subject to conditions along the lines of, as indicated in paragraph 8.3 of this report.

8.2 If the Legal Agreement has not been completed within six months, the application shall be referred back to Committee for consideration.

8.3 The grant of planning permission should be subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the drawings listed in the Schedule of Approved Plans.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until details of the following landscaping matters have been submitted to and approved in writing by the Director of Communities, Economy and Transport:

(i) Proposals for tree planting, including the use of heavy standard trees, at the northern boundary of the treatment works site off Butcher's Lane following further assessment;

(ii) Proposals for the re-alignment of the boundary fence at the northern boundary of the treatment works site off Butcher's Lane to accommodate additional planting following further assessment;

(iii) Planting specification including species, numbers and layout for the proposed hedgerow along the boundary of the pumping station off Fourteen Acre Lane;

(iv) A plan showing the proposed alignment of fencing during construction at the treatment works site off Butcher's Lane, including the identification of the extent of the Root Protection Areas for all retained trees, taking into account the requirements of British Standard 5837:2012 Trees in relation to design, demolition and construction; &

(v) A timetable for the implementation of all works required as part of this condition.

The assessment referred to in (i) & (ii) above shall comprise a report which shall be submitted for consideration and approval.

The approved details shall be carried out in full.



Reason: To secure appropriate landscaping at the site and the protection of trees in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. Subject to the provisions of other conditions related to this planning permission, the details of the planting set out in the Landscape Proposals Plan (Drg. No. 5105602/WA/611 Rev C) and the recommendations contained in the Arboricultural Assessment Report (Johns Associates, July 2015) shall be incorporated into the design of the development and implemented in accordance with the timetable approved under Condition 3.

Reason: To ensure appropriate planting and landscaping of the site and protection of retained trees and woodland, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. Any trees, shrubs or other plants which are planted as part of the landscaping requirements which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. No development shall take place until Mitigation Strategies, including measures for compensation for loss of habitat so that there is no net loss of suitable habitat, for the following species, or group of species, have been submitted to and approved by the Director of Communities, Economy and Transport:
  1. Great Crested Newt, which should follow the Great Crested Newt Mitigation Guidelines (2001) and Natural England's Standing Advice;
  2. Dormouse, which should follow the guidance in the Dormouse Conservation Handbook (2006);
  3. Bats, which should follow the guidance from the Bat Conservation Trust. A Method Statement for the avoidance of harm to bats should also be included; and
  4. Reptiles, which should follow Natural England's Standing Advice.

The approved Strategies and Method Statement shall be implemented in full.

Reason: To secure appropriate protection of species, including mitigation and compensation for loss of habitat, in accordance with Policy WMP27

of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Prior to the works commencing on site a Traffic Management Plan shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Management Plan shall include:
  - (i) The proposed size of vehicles for both construction and operational activities;
  - (ii) The proposed routing of vehicles;
  - (iii) Appropriate traffic signals and signage;
  - (iv) Hours of operation;
  - (v) A schedule of delivery times to avoid peak traffic flows and reduce the risk of vehicles meeting 'head on'; &
  - (vi) Wheel washing facilities.

Reason: In the interests of highway safety and the amenity of persons in the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. The new access from Butcher's Lane to the treatment plant shall be undertaken in the position shown on submitted Drawing No. 121875-C-800011 Rev D and shall be constructed and laid out in accordance with the attached HT407 diagram and all works undertaken shall be executed and completed with the agreement of the Highway Authority prior to the commencement of the use of the development hereby permitted, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the access and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. The proposed gate at the new access to the treatment works off Butcher's Lane shall be positioned at least 10 metres back from the edge of the highway.

Reason: To enable a vehicle to wait clear of the highway while the gate is being operated in the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. The development shall not be used until a turning space for vehicles has been provided and constructed in accordance with the submitted Drawing No. 121875-C-800011 Rev D and the turning space shall thereafter be retained for that use and shall not be used for any other purpose, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To provide for a sufficient turning area within the site for safety reasons, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. No machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the development sites on land off Butcher's Lane and Fourteen Acre Lane during the period of construction other than between the hours of 07.30 to 18.30 Mondays to Fridays inclusive and 07.30 to 13.00 on Saturdays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport. There shall be no working at these sites on Sundays or Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. All construction activities shall be managed in accordance with British Standard 5228-1: 2009 (code of practice for noise and vibration control on construction and open sites - Part 1: noise) or such updated British Standard as may be issued in place of British Standard 5228-1: 2009.

Reason: To ensure that the relevant British Standard trigger levels are not exceeded in the interests of protecting the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. The operational noise rating level shall, at all times, be below 30 dBLAeq (freefield), determined at the nearest noise sensitive receptors, namely Sailor's Stream Cottage in Butcher's Lane and the Willow Stream residential property in Fourteen Acre Lane, and in accordance with British Standard 4142: 2014.

Reason: In the interests of protecting the amenity of persons in the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

14. Within 3 months of first commencement of the operational use of the wastewater treatment works, a noise monitoring report shall be submitted to the Director of Communities, Economy and Transport for approval. The report should demonstrate that the development complies with the noise restriction of Condition 13. If the development does not comply, the report should propose further measures for noise mitigation and a timetable of implementation to reduce noise to meet the restriction of Condition 13.

Reason: To safeguard the amenity of the occupiers of nearby residential properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. No development shall take place until details of surface water management at the treatment works site off Butcher's Lane have been submitted to and approved in writing by the Director of Communities, Economy and Transport which shall include:
- (i) Detailed hydraulic calculations which should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed 1 in 1, 1 in 30 and 1 in 100 rainfall events, including an allowance for climate change;
  - (ii) Provision for catchpits upstream of cellular storage structures to prevent sediment build-up; &
  - (iii) Specifications of the measures to line any surface water storage facilities to prevent groundwater ingress.

Prior to the development being brought into use, the approved details relating to points (i) to (iii) above shall be implemented in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To reduce the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

16. No development shall commence until a management and maintenance plan for the entire drainage system associated with the development has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved plan shall be implemented in full.

Reason: To secure the proper management and maintenance of the drainage system to reduce the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work for both development sites, in accordance with a Written Scheme of Archaeological Investigation, which has been submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historical interests of the sites are safeguarded and recorded in accordance with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

18. The development hereby permitted shall not be brought into use until the archaeological site investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 18 and that provision for analysis, publication and dissemination of results and archive deposition,

including a timetable for the submission of details relating to the post excavation assessment, has been secured.

Reason: To ensure that the archaeological and historical interests of the sites are safeguarded and recorded in accordance with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

19. Development shall not commence until full details, including a plan showing the details, on how the affected part of the Guestling 32a public footpath will be accommodated on land to the south of Butcher's Lane have been submitted to and approved in writing by the Director of Communities, Economy and Transport. Prior to the development being brought into use, the approved details shall be implemented in full.

Reason: To secure an appropriate specification for the footpath which will be affected by the development in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

20. Notwithstanding the fencing arrangements shown on the approved drawings, the boundary fencing at both the wastewater treatment works site off Butcher's Lane and the pumping station site off Fourteen Acre Lane shall comprise 1.8 metres high weld mesh fencing coloured dark green only, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of visual amenity, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

21. No artificial external lighting, including floodlighting, shall be installed or used in relation to construction and operations other than in accordance with details first submitted to and approved in writing by the Director of Communities, Economy and Transport. Such details should include reference to guidance from the Bat Conservation Trust.

Reason: In the interests of the amenity of the locality and the local natural environment, in accordance with Policies WMP25 and WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

## INFORMATIVES

1.

The Applicant's attention is drawn to the need to obtain:

Ordinary Watercourse Consent from East Sussex County Council, as Lead Local Flood Authority, regarding any works affecting the cross section of the stream or the flow of water.

2. The Applicant's attention is drawn to the provisions of:-

The Badgers Act 1992 and The Wildlife and Countryside Act 1981, as amended in exercising any activities associated with the development.

Schedule of Approved Plans

121875-C-800010 Rev.04 - Site Location, 121875-C-800012 Rev.04 - Proposed Wastewater Treatment Works Elevation, 121875-C-800018 Rev.01 - Standby Generator Kiosk , 121875-C-900016 Rev.01 - Proposed SAFF blower and MCC Kiosk Plan, 121875-C-800017 Rev.03 - Proposed SAFF blower and MCC Kiosk Elevations , 5105602/WA/215C - Proposed Pumping Station Plan Layout, SDS 202830.04C - Topographical Land & Drainage Survey, 5105602/WA/210D - Proposed Sewerage Layout Sheet 1 of 2, 5105602/WA/211D - Proposed Sewerage Layout Sheet 2 of 2, 5105602\_WA\_611 RevC - Landscape Proposals Plan, Proposed Wastewater Treatment Works Site Plan - 121875-C-800011 RevD, Proposed Wastewater Treatment Works Elevation (West) Inside Fence - 121875-C-800013 RevB

RUPERT CLUBB

Director of Communities, Economy and Transport  
16 June 2016

**BACKGROUND DOCUMENT**

Application file RR/741/CM  
The Development Plan  
NPPF

## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber, County Hall, Lewes on 14 October 2015.

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PRESENT Councillors Godfrey Daniel (Chair), Ian Buchanan, Kathryn Field, Roy Galley, Richard Stogdon (Vice Chair), Barry Taylor and Steve Wallis

### 37 MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2015

37.1 RESOLVED to approve as a correct record the minutes of the meeting held on 16 September 2015.

### 38 DISCLOSURES OF INTERESTS

38.1 Councillor Galley declared a personal interest in Item 7 in that he is a member of Wealden District Council, and the Council had commented on the application. He did not consider this to be prejudicial.

38.2 Councillor Stogdon declared a personal interest in Item 8 in that he is the owner of land adjacent to a site subject to ongoing enforcement action, and that he would consider it prejudicial should the site come up for a specific discussion and leave the room.

### 39 REPORTS

39.1 Reports referred to in the minutes below are contained in the minute book.

### 40 CHANGE OF USE OF LAND TO ALLOW CONSTRUCTION AND OPERATION OF A WASTEWATER PUMPING STATION WITH NEW LAYBY OFF FOURTEEN ACRE LANE AND A WASTEWATER TREATMENT WORKS WITH NEW VEHICULAR ACCESS FROM BUTCHER'S LANE, TOGETHER WITH ANCILLARY FENCING AND LANDSCAPING. LAND TO SOUTH OF BUTCHER'S LANE AND TO WEST OF SAILORS STREAM AND LAND TO NORTH EAST OF JUNCTION OF FOURTEEN ACRE LANE AND BUTCHER'S LANE IN THREE OAKS - RR/741/CM

40.1 The Committee considered a report by the Director of Communities, Economy and Transport. Clarification was provided regarding modelling of climate change, the average discharge flow of the Wastewater Treatment Works and a reference in Condition 18.

40.2 Mr John Rogers spoke against the proposal.

40.3 Mrs Ruth Harding of Paris Smith, the applicant's agent, spoke in favour of the proposal.

40.4 Members have considered the officer's report, the clarifications and the comments of the public speakers, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

40.5 RESOLVED to approve the application subject to the completion of the following procedure:

- (i) The completion of a Legal Agreement to carry out off site highway works;
- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement, subject to conditions along the lines of those indicated in minute 40.7.

40.6 If the Legal Agreement has not been completed within six months, the application shall be referred back to Committee for consideration.

40.7 The grant of planning permission should be subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the drawings listed in the Schedule of Approved Plans.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until details of the following landscaping matters have been submitted to and approved in writing by the Director of Communities, Economy and Transport:

(i) Proposals for tree planting, including the use of heavy standard trees, at the northern boundary of the treatment works site off Butcher's Lane following further assessment;

(ii) Proposals for the re-alignment of the boundary fence at the northern boundary of the treatment works site off Butcher's Lane to accommodate additional planting following further assessment;

(iii) Planting specification including species, numbers and layout for the proposed hedgerow along the boundary of the pumping station off Fourteen Acre Lane;

(iv) A plan showing the proposed alignment of fencing during construction at the treatment works site off Butcher's Lane, including the identification of the extent of the Root Protection Areas for all retained trees, taking into account the requirements of British Standard 5837:2012 Trees in relation to design, demolition and construction; &

(v) A timetable for the implementation of all works required as part of this condition.

The assessment referred to in (i) & (ii) above shall comprise a report which shall be submitted for consideration and approval.

The approved details shall be carried out in full.

Reason: To secure appropriate landscaping at the site and the protection of trees in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. Subject to the provisions of other conditions related to this planning permission, the details of the planting set out in the Landscape Proposals Plan (Drg. No. 5105602/WA/611 Rev C) and the recommendations contained in the Arboricultural Assessment Report (Johns Associates, July 2015) shall be incorporated into the design of the development and implemented in accordance with the timetable approved under Condition 3.

Reason: To ensure appropriate planting and landscaping of the site and protection of retained trees and woodland, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.



5. Any trees, shrubs or other plants which are planted as part of the landscaping requirements which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. No development shall take place until Mitigation Strategies, including measures for compensation for loss of habitat so that there is no net loss of suitable habitat, for the following species, or group of species, have been submitted to and approved by the Director of Communities, Economy and Transport:
  1. Great Crested Newt, which should follow the Great Crested Newt Mitigation Guidelines (2001) and Natural England's Standing Advice;
  2. Dormouse, which should follow the guidance in the Dormouse Conservation Handbook (2006);
  3. Bats, which should follow the guidance from the Bat Conservation Trust. A Method Statement for the avoidance of harm to bats should also be included; and
  4. Reptiles, which should follow Natural England's Standing Advice.

The approved Strategies and Method Statement shall be implemented in full.

Reason: To secure appropriate protection of species, including mitigation and compensation for loss of habitat, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Prior to the works commencing on site a Traffic Management Plan shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Management Plan shall include:
  - (i) The proposed size of vehicles for both construction and operational activities;
  - (ii) The proposed routing of vehicles;
  - (iii) Appropriate traffic signals and signage;
  - (iv) Hours of operation;
  - (v) A schedule of delivery times to avoid peak traffic flows and reduce the risk of vehicles meeting 'head on'; &
  - (vi) Wheel washing facilities.

Reason: In the interests of highway safety and the amenity of persons in the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. The new access from Butcher's Lane to the treatment plant shall be undertaken in the position shown on submitted Drawing No. 121875-C-800011 Rev D and shall be constructed and laid out in accordance with the attached HT407 diagram and all works undertaken shall be executed and completed with the agreement of the Highway Authority prior to the commencement of the use of the development hereby permitted, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the access and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. The proposed gate at the new access to the treatment works off Butcher's Lane shall be positioned at least 10 metres back from the edge of the highway.

Reason: To enable a vehicle to wait clear of the highway while the gate is being operated in the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. The development shall not be used until a turning space for vehicles has been provided and constructed in accordance with the submitted Drawing No. 121875-C-800011 Rev D and the turning space shall thereafter be retained for that use and shall not be used for any other purpose, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To provide for a sufficient turning area within the site for safety reasons, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. No machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the development sites on land off Butcher's Lane and Fourteen Acre Lane during the period of construction other than between the hours of 07.30 to 18.30 Mondays to Fridays inclusive and 07.30 to 13.00 on Saturdays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport. There shall be no working at these sites on Sundays or Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. All construction activities shall be managed in accordance with British Standard 5228-1: 2009 (code of practice for noise and vibration control on construction and open sites - Part 1: noise) or such updated British Standard as may be issued in place of British Standard 5228-1: 2009.

Reason: To ensure that the relevant British Standard trigger levels are not exceeded in the interests of protecting the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. The operational noise rating level shall, at all times, be below 30 dBLAeq (freefield), determined at the nearest noise sensitive receptors, namely Sailor's Stream Cottage in Butcher's Lane and the Willow Stream residential property in Fourteen Acre Lane, and in accordance with British Standard 4142: 2014.

Reason: In the interests of protecting the amenity of persons in the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

14. Within 3 months of first commencement of the operational use of the wastewater treatment works, a noise monitoring report shall be submitted to the Director of Communities, Economy and Transport for approval. The report should demonstrate that the development complies with the noise restriction of Condition 13. If the development does not comply, the report should propose further measures for noise mitigation and a timetable of implementation to reduce noise to meet the restriction of Condition 13.

Reason: To safeguard the amenity of the occupiers of nearby residential properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. No development shall take place until details of surface water management at the treatment works site off Butcher's Lane have been submitted to and approved in writing by the Director of Communities, Economy and Transport which shall include:
- (i) Detailed hydraulic calculations which should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed 1 in 1, 1 in 30 and 1 in 100 rainfall events, including an allowance for climate change;
  - (ii) Provision for catchpits upstream of cellular storage structures to prevent sediment build-up; &
  - (iii) Specifications of the measures to line any surface water storage facilities to prevent groundwater ingress.

Prior to the development being brought into use, the approved details relating to points (i) to (iii) above shall be implemented in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To reduce the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

16. No development shall commence until a management and maintenance plan for the entire drainage system associated with the development has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved plan shall be implemented in full.

Reason: To secure the proper management and maintenance of the drainage system to reduce the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work for both development sites, in accordance with a Written Scheme of Archaeological Investigation, which has been submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historical interests of the sites are safeguarded and recorded in accordance with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

18. The development hereby permitted shall not be brought into use until the archaeological site investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 17 and that provision for analysis, publication and dissemination of results and archive deposition, including a timetable for the submission of details relating to the post excavation assessment, has been secured.

Reason: To ensure that the archaeological and historical interests of the sites are safeguarded and recorded in accordance with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

19. Development shall not commence until full details, including a plan showing the details, on how the affected part of the Guestling 32a public footpath will be accommodated on land to the south of Butcher's Lane have been submitted to and approved in writing by the Director of Communities, Economy and Transport.  
Prior to the development being brought into use, the approved details shall be implemented in full.

Reason: To secure an appropriate specification for the footpath which will be affected by the development in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

20. Notwithstanding the fencing arrangements shown on the approved drawings, the boundary fencing at both the wastewater treatment works site off Butcher's Lane and the pumping station site off Fourteen Acre Lane shall comprise 1.8 metres high weld mesh fencing coloured dark green only, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of visual amenity, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

21. No artificial external lighting, including floodlighting, shall be installed or used in relation to construction and operations other than in accordance with details first submitted to and approved in writing by the Director of Communities, Economy and Transport. Such details should include reference to guidance from the Bat Conservation Trust.

Reason: In the interests of the amenity of the locality and the local natural environment, in accordance with Policies WMP25 and WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

#### INFORMATIVES

1. The Applicant's attention is drawn to the need to obtain:

Ordinary Watercourse Consent from East Sussex County Council, as Lead Local Flood Authority, regarding any works affecting the cross section of the stream or the flow of water.

2. The Applicant's attention is drawn to the provisions of:

The Badgers Act 1992 and The Wildlife and Countryside Act 1981, as amended in exercising any activities associated with the development.

#### Schedule of Approved Plans

121875-C-800010 Rev.04 - Site Location, 121875-C-800012 Rev.04 - Proposed Wastewater Treatment Works Elevation, 121875-C-800018 Rev.01 - Standby Generator Kiosk , 121875-C-900016 Rev.01 - Proposed SAFF blower and MCC Kiosk Plan, 121875-C-800017 Rev.03 - Proposed SAFF blower and MCC Kiosk Elevations , 5105602/WA/215C - Proposed Pumping Station Plan Layout, SDS 202830.04C - Topographical Land & Drainage Survey, 5105602/WA/210D - Proposed Sewerage Layout Sheet 1 of 2, 5105602/WA/211D - Proposed Sewerage Layout Sheet 2 of 2, 5105602\_WA\_611 RevC - Landscape Proposals Plan, Proposed Wastewater Treatment Works Site Plan - 121875-C-800011 RevD, Proposed Wastewater Treatment Works Elevation (West) Inside Fence - 121875-C-800013 RevB

41 NON MATERIAL AMENDMENT - ALTERATION TO THE WORDING OF CONDITION 13 TO ALLOW THE USE OF THE LINK ROAD BY THE PUBLIC PRIOR TO THE COMPLETION OF THE BOUNDARY WALLS AND FENCING. A259 BELLE HILL, BEXHILL-ON-SEA TO B2092 QUEENSWAY, ST LEONARDS-ON -SEA - RR/2474/CC(EIA)/NM/11

41.1 The Committee considered a report by the Head of Planning and Environment. The Chair reported that two of the local members had sought assurances about the provision of safety measures and this was referred to in the officer's report.

41.2 Mr Karl Taylor, Assistant Director Operations on behalf of the applicant, spoke to provide reassurance that acoustic, safety and badger fencing would be installed prior to the road opening.

41.3 Councillor Field, one of the Local Members and member of the Planning Committee, spoke in support of the application.

41.4 Members have considered the report, together with the comments of the Local Members and public speaker, and agree with the conclusion and reasons for recommendation as set out in paragraph 8 of the report.

41.5 RESOLVED to grant the application for non material amendment RR/2474/CC(EIA)NM/11 and alter the wording of condition 13 attached to RR/2474/CC(EIA), approved on 29 July 2009, as follows:

13. Unless otherwise agreed in writing by the Head of Planning and Environment, the Link Road shall not be brought into full permanent use by the public until all approved details of boundary walls, fences and other means of enclosure to be erected within the site have been provided and shall thereafter be retained unless otherwise agreed in writing by the Head of Planning and Environment. If during construction, the temporary use of part of the Link Road is required this shall only be undertaken with means of enclosure appropriate to the temporary use and following the prior written approval of the Head of Planning and Environment.

Reason: To ensure the appropriate appearance of the development in the area.

42 RENEWAL OF PLANNING PERMISSION FOR THE SITING OF ONE MOBILE CLASSROOM TO THE SOUTH EAST OF THE SCHOOL SITE. NINFIELD C OF E SCHOOL, CHURCH LANE, NINFIELD - WD/1656/CC/3

42.1 The Committee considered a report by the Director of Communities, Economy and Transport. Clarification was provided regarding the proximity of the nearest residential property which was confirmed to be "School House" but this did not affect the officer's recommendation.

42.2 The comments of Councillor Bentley, one of the Local Members, had been circulated to the Committee.

42.3 Members have considered the officer's report and comments of the Local Member, and agree with the conclusions and reasons for recommendation.

42.4 RESOLVED to grant planning permission subject to the following condition:

1. The temporary building hereby permitted shall be removed from the site and the land restored to its former physical state by 31 October 2016 or as otherwise agreed in accordance with a scheme submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: The nature or form of development is only considered appropriate for a temporary period.

43 DEVELOPMENT MANAGEMENT MATTERS: QUARTERLY REPORT

43.1 The Committee considered a report by the Director of Communities, Economy and Transport.

43.2 RESOLVED to note the report.

(The meeting ended at 11.28 am)

CHAIRMAN

Committee: **Regulatory Committee  
Planning Committee**

Date: **13 April 2016**

Report by: **Director of Communities Economy and Transport**

Proposal: **Change of use of land to allow construction and operation of a wastewater pumping station with new layby off Fourteen Acre Lane, and a wastewater treatment works with new vehicular access from Butcher's Lane, together with ancillary fencing and landscaping**

Site Address: **Land to south of Butcher's Lane and to west of Sailors Stream and land to north east of junction of Fourteen Acre Lane and Butcher's Lane in Three Oaks**

Applicant: **Southern Water Services Ltd**

Application No. **RR/741/CM**

Key Issues: **Need for extension of time to complete Legal Agreement**

Contact Officer: **Jeremy Patterson – Tel: 01273 481626**

Local Member: **Councillor Carl Maynard**

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **SUMMARY OF RECOMMENDATIONS**

To agree to an extension of time for the Legal Agreement to be completed, and, to authorise the Director of Communities, Economy and Transport to grant planning permission for application RR/741/CM upon completion of the Legal Agreement, subject to conditions along the lines agreed by Planning Committee on 14 October 2015. If the Legal Agreement has not been completed by 14 June 2016, the application shall be referred back for consideration.

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT**

### **1. Introduction**

1.1 The application for the development of a First Time Sewerage Scheme (RR/741/CM) was previously considered by the Planning Committee at its

meeting in October 2015. The Committee resolved that following the completion of a Legal Agreement, the Director of Communities, Economy and Transport be authorised to grant planning permission subject to conditions.

1.2 This report is to inform the Committee of the progress regarding the completion of the Legal Agreement relating to the application, and, to seek agreement to an extension of time to allow completion of the Agreement, prior to determination of the application in accordance with the previous resolution.

## **2. Need for extension of time to complete Legal Agreement**

2.1 This application relates to the development of a First Time Sewerage Scheme including the construction and operation of a wastewater treatment works, a wastewater pumping station and ancillary works. A copy of the previous Report and minutes of the Planning Committee in October 2015 are attached as Appendices 1 and 2, respectively.

2.2 The resolution of the Committee was that, subject to the completion of a Legal Agreement to carry out off site highway works, to authorise the Director of Communities, Economy and Transport to grant planning permission, subject to conditions. It was also resolved that if the Legal Agreement had not been completed within six months after the resolution (i.e. by 14 April 2016), the application would be referred back to Committee for consideration. In view of the closeness of this date it is considered necessary to consider this matter at this Meeting.

2.3 An Agreement has been drafted. The main outstanding matter relates to land ownership arrangements at the pumping station site off Fourteen Acre Lane, which has delayed matters. Despite this, the completion of the Agreement is considered to be imminent.

2.4 There have been no material changes in the overall circumstances of the proposal or in the policy context related to it. However, the administrative procedures associated with the Legal Agreement have, for various reasons, delayed its completion and additional time is therefore required to be able to conclude this matter.

2.5 Accordingly, it is recommended that an extension of time be given until 14 June 2016 for the Legal Agreement to be completed. If the Agreement is not completed by that date, the application should be referred back to Planning Committee.

## **3. Recommendation**

3.1 The Committee is recommended that:

- (i) The resolution in respect of application RR/741/CM is amended to allow an extension of time to 14 June 2016 for the completion of the Legal Agreement;



- (ii) The Director of Communities, Economy and Transport is authorised to grant planning permission upon completion of the Legal Agreement in (i) above subject to conditions along the lines of those agreed at the meeting of the Planning Committee on 14 October 2015; and
- (iii) If the Legal Agreement is not completed by 14 June 2016 the application will be referred back to Committee for consideration.

RUPERT CLUBB  
Director of Communities, Economy and Transport  
16 June 2016

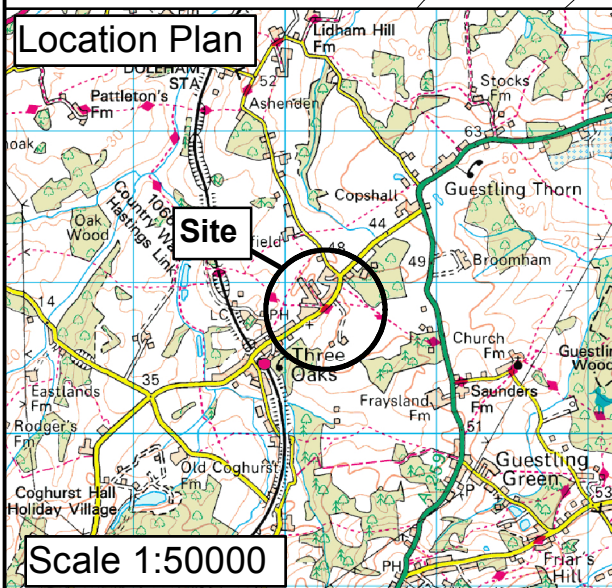
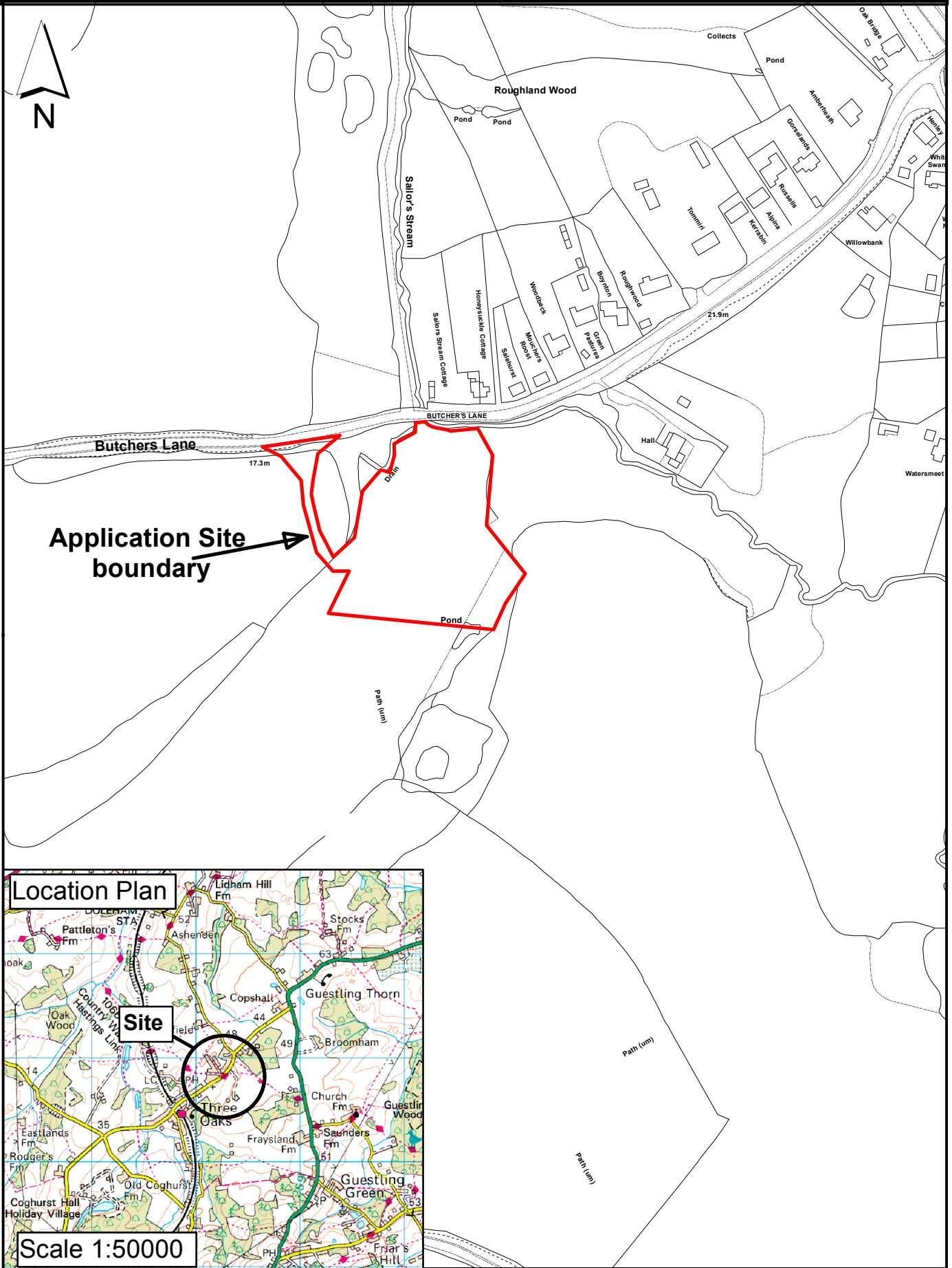
**BACKGROUND DOCUMENT**

Application file RR/741/CM

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# RR/741/CM

## Land to south of Butcher's Lane and to west of Sailor's Stream



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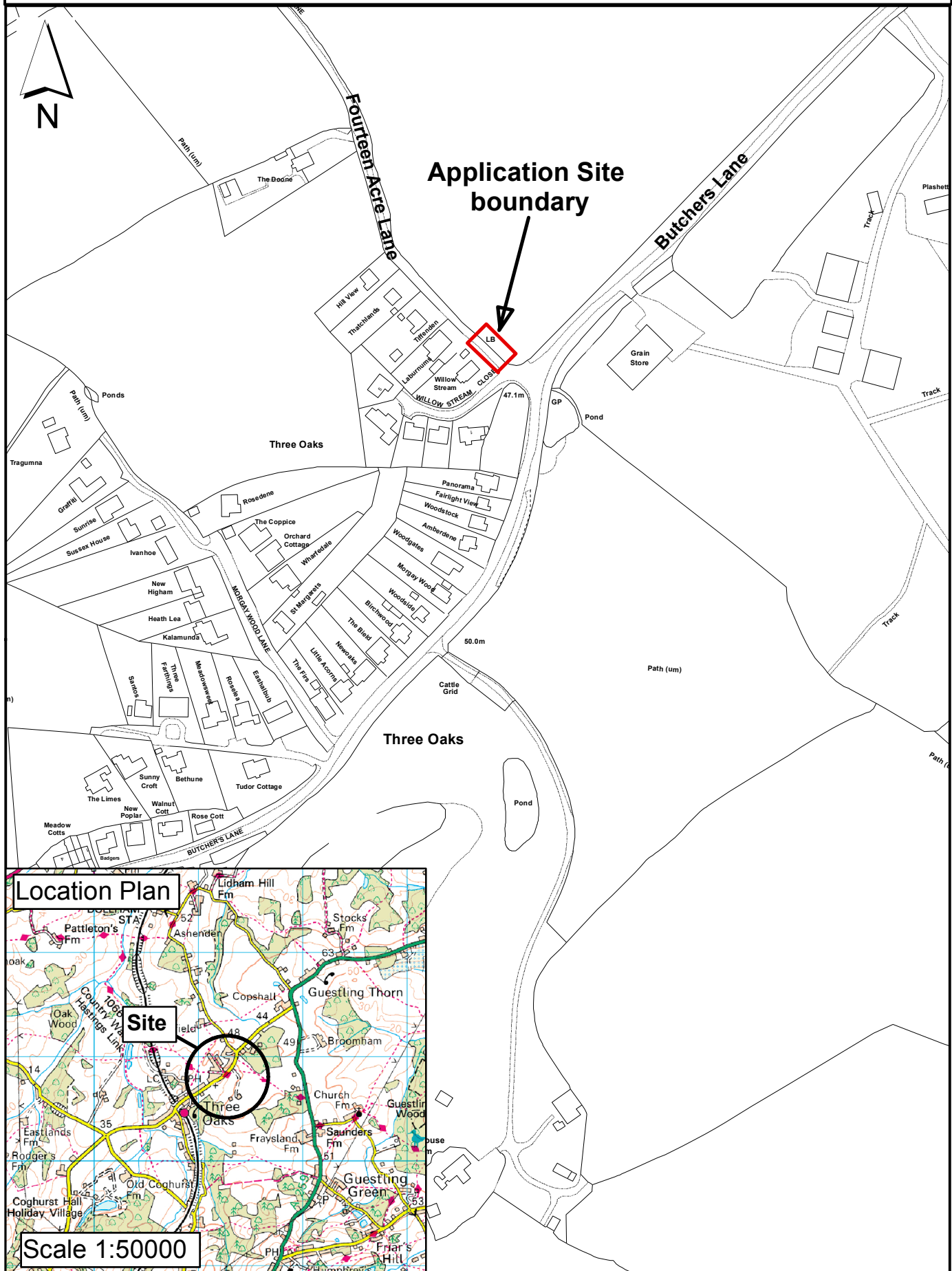
Rupert Clubb BEng (Hons) CEng MICE  
Director of Communities,  
Economy and Transport  
East Sussex County Council

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# Agenda item 5, RR/741/CM

## Land to south of Butcher's Lane and to west of Sailor's Stream



Scale 1:3000

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