



## REGULATORY COMMITTEE

## PLANNING COMMITTEE

**MEETING 10.30 am WEDNESDAY, 24 JUNE 2015**

**COUNCIL CHAMBER, COUNTY HALL, LEWES**

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

### **A G E N D A**

1 Minutes of the meeting held on 20 May 2015 (*Pages 3 - 4*)

2 Apologies for absence

3 Disclosures of interests

Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

### **Part A**

#### **5 County Council Proposals - report(s) by the Director of Communities, Economy and Transport**

A Construction of a new two storey two form entry primary school including nursery provision with associated car parking, 2no 3G sports pitches, playing surfaces and games court as an extension to the existing school. The Cavendish School, Eldon Road, Eastbourne BN21 1UE - EB/3238/CC (*Pages 5 - 42*)  
Report by the Director of Communities, Economy and Transport

B Installation of a single mobile classroom to be located to the front (south) of the main School building. Chyngton School, Millberg Road, Seaford BN25 3ST - LW/3257/CC (*Pages 43 - 54*)  
Report by the Director of Communities, Economy and Transport

### **NOTES:**

- (1) *Members are reminded that copies of all representations received are available for inspection in the Members' Room*
- (2) *As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived for future viewing. The broadcast / record is accessible at: [www.eastsussex.gov.uk/webcasts](http://www.eastsussex.gov.uk/webcasts)*

**6 County Matter Proposals - report(s) by the Director of Communities, Economy and Transport**

- A Proposed manege for exercising horses and formed on raised level area from imported inert waste material (soil, crushed concrete and brick). Kilnwood Farm, Potmans Lane, Catsfield TN39 5JL - WD/752/CM (*Pages 55 - 68*)  
Report by Director of Communities, Economy and Transport
- B Change of use of the existing industrial units to a Materials Recycling Facility (MRF) with External Ancillary Works. Units 2A and 2B, Birch Close, Eastbourne BN23 6NY (*Pages 69 - 96*)  
Report by the Director of Communities, Economy and Transport

**Part B - Planning Committee as agent for South Downs National Park Planning Authority - report(s) by the Head of Planning and Environment**

- 7 Retention and profiling of existing materials to raise the level of a paddock for drainage improvements. Falmer Court Farm, East Street, Falmer, BN1 9PB - SDNP/15/00790/CW (*Pages 97 - 106*)  
Report by the Head of Planning and Environment
- 8 Any other items previously notified under agenda item 4

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16 June 2015

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## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber, County Hall, Lewes on 20 May 2015.

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

### 1 MINUTES OF THE MEETING HELD ON 11 MARCH 2015

1.1 RESOLVED to approve as a correct record the minutes of the previous meeting held on 11 March 2015.

### 2 APOLOGIES FOR ABSENCE

2.1 There were none. It was noted that Councillor Ungar was present as a substitute for Councillor Wallis.

### 3 DISCLOSURES OF INTERESTS

3.1 Councillor Taylor declared a personal interest in item 5 as a member of Eastbourne Borough Council, but did not consider this to be prejudicial.

3.2 Councillor Ungar declared a personal interest in item 5 as a member of Eastbourne Borough Council, but did not consider this to be prejudicial. Also Councillor Ungar indicated that he was a Governor of Ocklynge School in relation to item 6.

### 4 REPORTS

4.1 Reports and documents referred to in the minutes below are contained in the minute book.

### 5 CHANGE OF USE OF THE EXISTING INDUSTRIAL UNITS TO A MATERIALS RECYCLING FACILITY (MRF) WITH EXTERNAL ANCILLARY WORKS

5.1 The Committee considered a report by the Director of Communities, Economy and Transport. It was confirmed that there were no further representations following the consultation on the addition of the sleeper walls to the proposal.

5.2 A motion to grant planning permission subject to conditions was proposed, seconded, voted on and lost. The majority voted against the motion due to concerns over the environmental impact of dust escaping from the units and access to the units.

5.3 RESOLVED to defer determination of the application to allow officers an opportunity to consult with the applicant and partner enforcement authorities regarding the suitability of the building in relation to the dust management plan referred to in paragraph 6.18 of the report, and options for the determination of the planning application and to advise the Planning Committee further on these matters.

6 DEVELOPMENT MANAGEMENT MATTERS - QUARTERLY REPORT

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

6.2 RESOLVED to note the report.

Committee: **Regulatory  
Planning Committee**

Date: **24 June 2015**

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

Proposal: **Construction of a new two storey, two form entry primary school including nursery provision with associated car parking, 2no. 3G sports pitches, playing surfaces and games court as an extension to the existing school.**

Site Address: **The Cavendish School, Eldon Road, Eastbourne, BN21 1UE.**

Applicant: **Chief Operating Officer**

Application No. **EB/3238/CC**

Key Issues: **1. Need for development  
2. Siting, Design and Impact on Amenity  
3. Loss of playing fields  
4. Landscape, Ecology and Archaeology  
5. Traffic Impact**

Contact Officer: **David Vickers, Tel. 01273 481629**

Local Member: **Councillor John Ungar**

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## **SUMMARY OF RECOMMENDATIONS**

The Committee is recommended to approve the application subject to the completion of the following procedure:-

1. a) To authorise the Director of Communities, Economy and Transport to secure, in conjunction with the Assistant Chief Executive, a Legal Agreement or Undertaking to secure off site highway works including alterations to the Willingdon Road/Eldon Road/Rodmill Drive traffic signals, alterations to the Cobbold Avenue/Willingdon Road junction, access alterations, provision of laybys in Eldon Road, provision of a new traffic island in Eldon Road, consideration of the position of bus stops in Eldon Road, consideration of Eastbourne Borough Council's request for a controlled crossing and 20mph speed limit in Eldon Road, a contribution towards applications for Traffic Regulation Orders and development of a Travel Plan

- b) To authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Legal Agreement/Undertaking subject to conditions along the lines as indicated in Paragraph 8.2 of this report.
2. To authorise the Director of Communities, Economy and Transport to refer the application back to this Committee if the Legal Agreement or Undertaking is not secured within 6 months of the date hereof.

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

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

1.1 The existing Cavendish School in Eldon Road is a two storey school building originally constructed in 1939 as Eastbourne High School for Girls. Its main frontage is on the north side of Eldon Road in the Ocklynge & Rodmill neighbourhood of Eastbourne. The application site is physically located on a series of terraces and the site rises approximately 15 metres between Eldon Road in the south and Cobbold Avenue in the north and less steeply from Glendale Avenue in the west to Willingdon Road in the east. The site area is just less than 4.5 hectares and includes the main school building with extensions carried out in 1979, 1983, 1993 and 1996 elevated above Eldon Road with a Sport Centre to the rear. There are grass playing fields laid to the east and to the north of the main building, hard courts together with hard and soft landscaping. The main site access is from Eldon Road, which leads up to parking for approximately 50 cars in front of the main building. There is also a grounds maintenance access off Cobbold Avenue in the north-east corner of the site and this boundary is secured by fencing approximately 2 metres high.

1.2 The site is approximately 2 kilometres north-west of Eastbourne town centre and is located within a predominantly residential area of detached and semi-detached housing. There is a modern church building with car park opposite the School on the south side of Eldon Road and a cemetery further east.

1.3 Cavendish School itself is a secondary school for children aged 11 – 16 with 872 currently on roll; having fallen from approximately 1000 in 2011/12. In addition, it is also proposing to offer a Sixth Form shared with Ratton School, most likely for a minimum of 200 students. Motcombe School, a 4 Form Entry Infant School with 388 children aged between 4 and 7 years is in Macmillan Drive, approximately 300 metres to the south. Pashley Down Infants is approximately 850 metres to the west and has 300 children aged between 4 and 7 on roll. Ocklynge Junior School, a 6 Form / Year Group Entry school has approximately 845 children on roll aged between 7 and 11 years. This School is on Victoria Drive approximately 600 metres to the north-west. Further afield, approximately 1.1 kms to the north is Ratton, a secondary school with 1172 children on roll. St. Thomas A Becket Infant and Junior Schools share a site approximately 1.2 km to the east with 210 and

263 pupils respectively. Gildredge House Free School opened in September 2013 on a site off Compton Place Road, known as the 'Former Dental Board' site approximately 1.4 km to the south east of Cavendish. In common with proposals at Cavendish, Gildredge House offers all through education from ages 4 – 19, a Sixth Form is opening in September 2015. The number on roll is currently 353 and intends to grow 'year-on-year' reaching capacity of 1232 pupils by September 2019.

## **2. The Proposal**

2.1 The proposal is to construct a two storeys (plus basement) two form entry primary school with a building of approximately 2000m<sup>2</sup> gross internal area with associated external hard and soft landscaping works. The works will also include the refurbishment of approximately 620m<sup>2</sup> of accommodation in the basement of the existing Cavendish School to improve and provide shared catering facilities. The new Primary School is proposed as an extension to the existing building and intends to initially open in September 2015 in part of the existing building. The Primary building extension with 38 places nursery is to open in September 2016 growing year-on-year to reach capacity of 458 children by September 2021. The overall aim is to provide an all through School from ages 2 – 19.

2.2 The proposed two storey building would be added to the eastern side of the existing school building at an elevated level (due to the sloping site) on an area currently used for playing fields. It would be linked to the existing school building at basement and ground floor in order to share facilities.

2.3 The basement level would primarily accommodate the link between the existing and proposed building in order to provide internal access to the existing school canteen. The ground floor would provide the main hall, classrooms and nursery while the first floor would provide mainly classrooms only. The area surrounding the proposed building would be designated as play areas and landscaped accordingly.

2.4 The building would comprise a simple box-like structure clad predominantly in brick with grey powder coated aluminium framed windows and proprietary coloured panelling. The main south-facing elevation above Eldon Road would include an external steel structure incorporating fabric 'sails' to provide cover outside the ground floor nursery and reception areas and brise soleil shading at parapet level for the first floor classrooms. The roof would be flat and clad in a single ply membrane (typically grey) punctuated with plant housings approximately 1.5 metres high and windcatchers designed to draw in fresh air to ventilate the building. The link structure connecting the proposed to existing building would be clad in a combination of metal cladding and translucent glazing. The whole new building would be approximately 64 metres long (including the link), 33 metres deep and be generally 8 metres high to parapet level above ground after construction (not including roof mounted plant).

2.5 When the application was originally submitted in October 2014 the access arrangements to the site were confined solely to a separate in and out arrangement for the School proposal from Eldon Road. This caused some concerns in terms of the anticipated impact on the highway network in the vicinity of Eldon Road and its junction with Willingdon Road. In response, the applicant has re-considered access arrangements with access now proposed from both Eldon Road and Cobbold Avenue as explained in the next two paragraphs.

2.6 The existing vehicular access to the site from Eldon Road would be widened and will continue to operate as an entrance / exit for the existing Secondary School and as an exit for the proposed Primary School. Two additional pedestrian entrances to the site are proposed at either end of the new School frontage. A refuse store is proposed in front of the existing building and an electricity sub-station on the Eldon Road boundary. A new crossing point for pedestrians comprising dropped kerbs and a refuge in the middle of the carriageway is also proposed on Eldon Road.

2.7 An existing grounds maintenance entrance to the north east corner of the site adjacent to no.1 Cobbold Road is proposed to be widened and used for a formal vehicular and pedestrian entrance plus exit only for 10 visitor and staff parking spaces. This would couple with a proposed service and emergency access road and footpath running alongside the rear of gardens facing Willingdon Road and leading to the rear of the new and existing school as well as to the Sports Centre. The parking area near Cobbold Avenue is intended to be available for the public as part of community use of the site 'out of school hours'. The road will narrow to single vehicle width with adjacent footpath and will be formed by cutting into the existing grassed bank alongside the site's eastern boundary with nos. 2, 2A and 4 Eldon Road before turning westwards in front of the new School and its 'Kiss & Drop' area and then leave the site via the exit onto Eldon Road. This part of the road will only be available at the beginning and end of the school day with access controlled by a combination of gates and bollards. Within the Kiss & Drop area, 20 new staff and visitor parking spaces would be provided including 2 disabled spaces and a 'Kiss & Drop' arrangement with 15 lay-by spaces. Parking for 36 cycles and 30 scooters is also proposed in front of the proposed School.

2.8 There are currently 100 staff at Cavendish School. An additional 45 (full time equivalent) staff are anticipated as a result of this Primary/Nursery proposal.

2.9 Externally, part of a hard court behind the existing building is to be converted to a third generation (3G) artificial turf pitch. Half of a fenced hard court marked out with 4 tennis courts adjacent to the boundary with Cobbold Avenue is to become part of an extended grassed playing field and marked out for mini-soccer. The remaining two tennis courts will also be used as hard play for the Primary School children.



### **3. Main Site Planning History**

3.1 2013 – Granted - EB/3139/CC. Erection of steel mesh fence and support posts to raise north boundary from 1.2m wall to 2.4m wall and mesh fence. To replace existing single mesh and frame gate with pair of 2.4m high gates matching in style to proposed steel mesh fence.

3.2 2011 - Granted – EB/3031/CC. Conversion of existing double garage to classrooms.

3.3 2010 – Withdrawn – EB/2919/CC. Formation of porch and ramp to main entrance. Re-configuration of vehicle parking and circulation area.

3.4 2003 – Granted – EB/2217/CC. Extension and refurbishment of two science laboratories at first floor, new covered access and store on ground floor. Removal of open fire escape and replacement with new enclosed staircase. Reposition of two disabled car parking bays.

3.5 2003 – Granted – EB/2164/CC. Retention of a temporary single mobile unit.

3.6 1995 – Granted – EB/1147/CC/1. The retention of a single mobile classroom unit.

3.7 1994 – Granted – EB/1994/0490. Erection of a two-storey sports hall and amenities building, linked to existing sports hall, with multi-purpose/exhibition facilities on the first floor.

3.8 1993 – Granted – EB/1993/0053. Extension to sports hall

3.9 1993 – Granted – EB/1993/0256. Changing and ancillary accommodation adjacent to sports hall

3.10 1991 – Granted – EB/1299/cc. Extension to existing school, with demolition of existing caretaker house.

3.11 1991 – Granted – EB/1991/0393. Erection of two storey and single storey extensions to school and formation of 5 parking spaces

3.12 1990 – Granted – EB/1990/0376. Two storey building linked to existing sports hall for changing/sports facilities on ground floor with conference/display on first floor, formation of car parking fronting Eldon Road. (outline permission)

3.13 1983 – Granted – EB/1983/0023. Erection lightweight demountable bldg for sports hall

3.14 1979 – Granted – EB/390/CC. Proposed extension to existing school in form of Detached Craft and Teaching Block.

#### 4. Consultations and Representations

4.1 Eastbourne Borough Council; The Borough Council **originally objected** to the proposal on grounds of inappropriate siting, impact on residential amenity, poor quality design, loss of playing fields and trees.

The Borough Council **now raises no objection in principle** to the creation of a new school but considers there should be some caution in relation to highway capacity, highway safety and the external appearance / design of the new building.

In addition Eastbourne Borough Council request that East Sussex County Council use their best endeavours to install a pedestrian crossing (pelican or similar) in Eldon Road and roll out a 20mph speed limit to the road network close to the site.

4.2 Councillor John Ungar (Local Member) originally **objected** to the proposal on the grounds as follows;

i. Strategically in the wrong area of Eastbourne. I do not dispute that there is a need for extra classroom facilities within Eastbourne Borough but this need is generated from different parts of the town. There are already four other schools in the area.

ii. Overdevelopment of the site by way of scale and design. The design, I believe will have an appearance of a cliff face and is so poor that it would have a detrimental impact on the visual amenity of this site and the surrounding homes and area.

iii. Loss of open space which supports the sports and social amenities for students at Cavendish School. The loss of this open space will detract from the architectural benefits the current school provides. It will deprive students of these amenities.

iv. Parking on and off site, not adequate facilities for the numbers visiting or working on the site. The attempt to provide a "kiss and drop" facility is inadequate and the design could lead to safety issues for those people using the site or attempting access or just using local roads. Access to parking in Cobbold Avenue will impact on neighbouring houses by way of disturbance and providing opportunities for overlooking bedrooms and living rooms.

v. Traffic generation to and from this site will lead to added traffic congestion and pollution for residents in the area. The traffic is already gridlocked at certain times of the day and could extend this gridlock situation to the whole day which will lead to reduced access to and from the area. It will reduce parking facilities on neighbouring streets and could lead to bus services being delayed or even cancelled as they are unable to traverse the area. This could cause access problems for pupils attending other schools in the vicinity or those trying to get to work.

vi. The installation of lay-bys on Eldon Road could lead to the loss of mature Elm trees.

vii. There will be an increase in noise pollution from the site and from the added journeys to and from the school.

A further **objection** has been made to revised plans as follows;

viii. I don't believe that the new entrance in Cobbold Avenue, with the road going through the school grounds and exiting on Eldon Road will solve the traffic problems that this new building will cause.

ix. I don't believe the loss of green space is adequately compensated for by the proposed MUGA.

x. I believe that the design of the building is of poor architectural value.

xi. I am also concerned about the lack of controlled crossing outside the school.

As a whole I believe these plans will, if approved, result in an over development of this site and have a detrimental impact on the surrounding area for the reasons above.

4.3 Sport England; This application for the primary school would result in the loss of playing field in the south eastern part of the site equivalent to one 7v7 mini soccer pitch. It would also result in the loss of playing field in the north east corner of the site to create additional parking. In order to mitigate the loss of the playing field the application proposes the provision of a 5v5 artificial grass pitch (AGP) on land which currently provides a hard play surface for the secondary school. It also proposes the removal of an area of hard play currently marked out with two tennis courts in order to provide an additional mini soccer grass pitch on the northern playing field. The proposed plan advises that the remaining hard surfaced tennis courts would be used to provide hard play area for the primary school and continue to be available for tennis.

4.3.1 Sport England has considered the proposals in the light of the National Planning Policy Framework (in particular Paragraph 74) and its policy to protect playing fields.

4.3.2 The loss of playing field to the north east corner of the site is considered an exception to Sport England's policy, in particular exception E3, because it affects land incapable of forming part of a playing pitch and would not lead to the loss of any pitch or the ability to use any pitch.

4.3.3 In previous correspondence Sport England advised the applicant to consider the installation of artificial sports lighting on the AGP in order to make it available in winter months. This has not been taken forward but should still be considered at a later stage.

4.3.4 The playing field lost which accommodates a 7v7 mini soccer pitch would be replaced by the provision of a 5v5 mini soccer AGP along with the creation of another 5v5 mini soccer pitch on natural grass. The combination of both has potential to be considered an exception to Sport England's policy (in particular, exception policy E4)

4.3.5 The proposed replacement facilities must be constructed to a suitable standard and made available to the community in order for the proposal to be acceptable in terms of Sport England's policy and Paragraph 74 of the NPPF.

4.3.6 This being the case, Sport England does **not wish to raise an objection** to this application, **subject** to appropriate conditions.

4.4 Sussex Police; The level of crime and anti-social behaviour in Eastbourne district is slightly higher than average when compared to the rest of Sussex and it is important to consider all appropriate crime prevention measures in order to create a safe and secure environment for all users of the facility. The proposed development will sit within the grounds of an existing secondary school and the new primary school and play areas will be secured by a 2.2 metres high fence and gates. Visitors will be channelled via a single controlled access supported by CCTV and security lighting where necessary. The design of the proposal follows the principles of 'Secured by Design'.

4.5 Southern Water Services; Initial investigations indicate Southern Water can provide foul sewage disposal but that there is currently inadequate capacity in the local network to provide surface water disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and existing land and properties may be subject to a greater risk of flooding as a result. The applicant is advised to investigate alternative means for surface water disposal such as discharge to an existing watercourse, to soakaways or by attenuation of additional flows to existing surface water systems.

Should the proposal receive planning approval Southern Water requests informatives and conditions be attached to any consent to inform the applicant that formal application(s) to connect to the public foul and surface water sewerage system will be required and that the details of connections will need to be agreed with Southern Water.

4.6 Environment Agency; The site is located outside Flood Zones 2 and 3 and, as such, the Environment Agency does not wish to make comments on the proposals.

4.7 Highway Authority; The Highway Authority originally objected to the proposal because of the effect on the highway network. The Highway Authority has now considered further the revised details submitted and comments as follows;

4.7.1 There is an obvious need for school places in Eastbourne due to the increased birth rate over recent years. Although the Cavendish site is not ideal from a highway perspective the revised proposals are an improvement

and would reduce the overall impact of the development compared to the previous layout.

4.7.2 The updated Transport Assessment also provides better assessment of the impact that will take place especially at the Willingdon Road/Eldon Road traffic signals. Although there are a few issues that have not been considered such as additional traffic having to use Beverington Road due to banned right turns it is not considered that there will be significant impacts.

4.7.3 Whilst there will be an impact on the highway network as a result of this development as with all schools this is twice a day during term time only. With the appropriate changes to the highway it is not considered that a 'severe' impact would be created and therefore the proposal is acceptable as it is in accordance with the NPPF.

4.7.4 In consequence the Highway Authority does not wish to restrict grant of consent subject to a legal agreement to secure off site highway works (Alterations to the Willingdon Road/Eldon Road/Rodmill Drive traffic signals, alterations to the Cobbold Avenue/Willingdon Road junction, Access alterations, provision of laybys in Eldon Road, Provision of a new traffic Island in Eldon Road), a contribution towards applications for Traffic Regulation Orders, a Travel Plan and conditions.

4.7.5 The more detailed comments of the Highway Authority are considered below in the Traffic Impact section of the Report.

4.8 Local Representations; 80 representations received **objecting** to the proposal. The main grounds are summarised as follows;

- There is no need the school in this area as there are already sufficient schools and places so where will the children come from ?
- This is not the area of greatest need. The east and centre of Eastbourne has seen the most housing and population growth
- Selection of the site by the Education Authority has been hurried, is flawed with a lack of transparency
- Public consultation has been a sham
- The area is already frequently gridlocked with traffic and the school will make it worse
- The Kiss & Drop will not work
- Children will be dropped off in Cobbold Avenue to avoid Eldon Road to the detriment of residents there
- The Transport Statement is wrong
- The proposed school is out of character
- It will be noisy which will be aggravated by community use in the evenings and weekends
- Community use of facilities was not part of the public consultation
- Floodlighting will harm amenities
- Loss of playing field is unacceptable

- The recently erected fence to Cobbold Avenue to improve security will become redundant
- Fall in secondary numbers at Cavendish will be temporary if the birth rate is rising
- Proposed sub-station would be dangerous
- Proposed refuse store would be unsightly

35 representations received in response to further consultation on the amended access arrangements. All are **objecting** with many of the above points being re-stated. The main additional grounds are summarised as follows;

- Revised access arrangements will not work and will simply aggravate existing problems experienced in Cobbold Avenue which is a 'rat run' particularly at the beginning and end of the school day
- The impact on, and proposals for, the Willingdon Road/Rodmill Drive/Eldon Road junction have not been thoroughly considered
- Revised access arrangements will increase noise and air pollution for immediate neighbours and proposed fencing will adversely affect available light
- Cobbold Avenue is not readily accessible within the local network
- Cobbold Avenue itself will become an informal set down and pick up area for the existing School as well
- Vehicles emerging onto Eldon Road will add to existing congestion
- Kiss & Drop itself will not work particularly with younger children
- Assumptions in the latest Transport Statement are over-optimistic and there is an over-reliance on the Kiss & Drop arrangements
- Undue pressure is being placed on the Planning Committee by the decision to open the new School in existing premises from September this year.
- Insufficient time has been given for re-consultation

16 representations received **supporting** the proposal. The main grounds can be summarised as follows;

- The proposal is much needed in the town
- Existing schools in the area are bursting at the seams
- The all-through educational concept is welcomed and will reduce car journeys
- Traffic increases will be inevitable but limited to twice / day
- Fears of congestion are being overstated

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

5.1 Eastbourne Core Strategy Local Plan 2006 – 2027 (Core Strategy): Policies C5 (Ocklynge & Rodmill Neighbourhood Policy), D7 (Community Sports and Health), D10a (Design), E1 (Infrastructure Delivery)

5.2 Eastbourne Borough Local Plan 2001-2011 (Borough Plan): Saved Policies UHT1 (Design of new development), UHT4 (Visual Amenity), HO20 (Residential Amenity), TR2 (Travel Demands), TR11 (Car Parking), NE28 (Environmental Amenity), LCF16 (Criteria for New Schools), LCF18 (Extension of Education Establishments)

Eastbourne Borough Council has not formally determined whether its Saved Policies in the Eastbourne Borough Plan are in general conformity with the NPPF. The Saved Policies are considered by the County Planning Authority to be in general conformity with the overarching principles of the NPPF, with particular reference to paragraph 123.

5.3 Policy Statement on Planning for Schools Development 2011: The policy statement states that the planning system, when dealing with planning applications for state-funded schools should operate positively and there should be a presumption in favour of the development of state-funded schools. The policy statement encourages a collaborative approach to applications, encouraging pre-application discussions and use of planning obligations to help mitigate adverse impacts of developments. Where it is necessary to impose conditions, they should be necessary in order to make development acceptable and be clearly justified, thereby demonstrably meeting the tests set out in Circular 11/95 (now superseded by Planning Practise Guidance 'Use of Planning Conditions'.) The policy statement goes on to indicate that the Secretary of State will be minded to consider refusal of any application for state-funded schools to be unreasonable conduct, unless it is supported by clear and cogent evidence.

5.4 The National Planning Policy Framework (NPPF) 2012; The NPPF does not change the status of the Development Plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and that which conflicts should be refused unless other material considerations indicate otherwise. The NPPF does constitute guidance as a material consideration in determining planning applications. At its heart is a presumption in favour of sustainable development and regard should be had to NPPF policies so far as relevant. Due weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF. Paragraph 32 advises that decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and secure access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 72 advises that Local Planning Authorities give great weight to the need to create schools and attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing

and new communities. Paragraph 74 seeks to protect playing fields from development. Paragraph 109 seeks to enhance biodiversity where possible. Paragraph 123 advises decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of the new development and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

## **6. Considerations**

### **Need for development**

6.1 The Eastbourne Core Strategy Local Plan (the Core Strategy) identifies that schools are critical facilities in sustainable communities and that there is a demand for additional school places up to 2027, delivery of which is intended to be directed through infrastructure delivery Policy E1 in the Core Strategy. This states that Eastbourne Borough Council will work closely with other public agencies, utility companies and infrastructure providers to ensure that the necessary infrastructure to support future housing (and employment) development is available. Strategic infrastructure requirements will be set out in the Borough Council's Infrastructure Delivery Plan, 2014 (IDP). This reiterates that population forecasts indicate demand for early years childcare and primary school places will increase to the end of this decade with a knock-on effect for secondary school places felt early in the next decade as the population in the 11 – 16 age group rises significantly. The IDP identifies need for up to 6 primary school forms of entry across Eastbourne over the Core Strategy period, which equates to 180 school entry places.

6.2 The Cavendish site is identified for educational use on the Borough Plan Proposals Map being part of such a designation for Saved Policy LCF18: Extension of Educational Establishments. Saved Policy LCF16: Criteria for New Schools states that planning permission will be granted for new schools where it can be satisfactorily demonstrated that there is a need for such a facility. Both policies lend support in principle to proposed educational establishments whether new or additions subject to various criteria about the impact of a given proposal.

6.3 The application site is located within the Ocklynge & Rodmill neighbourhood, one of 14 such neighbourhoods identified in the Core Strategy adopted in 2013. The neighbourhood concept is based on resident perception and analysis of the built character. It is distinct from electoral wards defined for administrative purposes. The site is in the Eastbourne West school area for place planning purposes; one of 4 such areas covering the town. The others are Eastbourne Central South, Central North and Eastbourne East.

6.4 The Core Strategy notes the Ocklynge & Rodmill neighbourhood profile to be predominantly residential. It has a population of approximately 4200 with a high percentage of married couples many of these being over retirement age and without dependant children. The neighbourhood also contains the



Eastbourne Sports Park and is considered well provided for in terms of educational facilities. Local topography means that it can be difficult to travel around the neighbourhood on foot or by bicycle. It is one of the key gateways into the town from the A22 and consequently experiences high quantity of traffic. A high level of on-street parking is an issue for the local community.

6.5 Policy C5 in the Core Strategy sets out the vision for the neighbourhood which states: "Ocklynge & Rodmill will increase its level of sustainability by improving access to services and facilities and making the neighbourhood friendlier for pedestrians and cyclists, whilst continuing to promote access to open spaces and creating a more inclusive community. The neighbourhood is likely to see relatively low levels of housing growth during the Plan period from 2006 - 2027, but such opportunities that do arise should be used to contribute to the amount of affordable housing.

6.6 The Core Strategy commits to a minimum 5022 dwellings in Eastbourne over the Plan period. 2000 of these dwellings have already been delivered according to the Borough Council's Local Monitoring Report published in December last year. Ocklynge & Rodmill neighbourhood is identified to deliver 258 dwelling (net) of the remaining 3022 up to the end of the Plan period in 2027, the 5<sup>th</sup> highest of the 14 neighbourhoods. The lowest is Ratton & Willingdon Village with 8. The highest numbers anticipated are in Town Centre (1093), Upperton (385), Meads (282) then Seaside (280). With the exception of Seaside, the applicant considers these areas would be attracted to the proposed school although of these only Upperton adjoins Ocklynge & Rodmill neighbourhood.

6.7 The applicant identifies that housing growth is contributing to increase pressure on school places in Eastbourne, including primary, but attributes the main reason for potential school population growth to increased births.

6.8 The applicant goes on to state that predicted shortfalls in Reception Year places has not been quite as previously expected owing to the opening of Gildredge House Free School (in Eastbourne West school area) which will eventually offer 392 primary places. Nevertheless even allowing for Gildredge House and the recently occupied expansion of Haven School at Sovereign Harbour (Eastbourne East) which together provided 1 and 2 FE respectively (Form Entry = 30 places) a shortfall of up to 4 FE in Reception Year and 1 FE at Year 3 (Junior school level) is estimated this academic year. This shortfall is being met by four 'bulge' Reception Year classes at West Rise Infants, St. Andrews Infants, St. Thomas a Becket Infants and Shinewater Primary and a 'bulge' Year 3 class at Tollgate Junior School. This scale of shortfall is reflected in the County Council's "Education Commissioning Plan 2014 – 2018".

6.9 From the beginning of next academic Year (i.e. September 2015) permanent expansion of West Rise Infant and Junior Schools will allow 3FE (from 2FE currently), with the remainder being provided in temporary accommodation in one or more other schools (yet to be decided) as well as the 2FE proposed at Cavendish by this planning application.

6.10 It is clear that the general trend in numbers of births across the town is upwards and Eastbourne West school area, which contains Cavendish School, is no exception. Nevertheless any pressure on primary places attributable specifically to the Ocklynge & Rodmill neighbourhood is more likely being driven by increasing population as a result of housing growth in that neighbourhood than by births given the Core Strategy assessment of the relatively elderly profile of its population. Overall, there is a need for more primary school places in Eastbourne.

### **Siting, Design and Impact on Amenity**

6.11 Borough Plan Saved Policy LCF18: Extension of Educational Establishments states that planning permission will be granted for additional education facilities within sites identified for educational use, provided that; the development has no significant detrimental effect on residential, visual or environmental amenity; it is acceptable in terms of siting, scale and materials, and appropriate landscaping is provided; it has good, safe and secure access by public transport, on foot and by bicycle, where access is considered to be inadequate a Travel Plan and the development of safe routes to school will be required, and, appropriate provision is made for access by people with disabilities and with mobility problems.

6.12 Borough Plan Saved Policy LCF16: Criteria for New Schools states that planning permission will be granted for new schools where it can be satisfactorily demonstrated that there is a need for such a facility, provided that similar criteria are met and, additionally, where appropriate, sports facilities should be designed with future dual use in mind, including independent access to changing and indoor sports facilities.

6.13 Saved Policy UHT1 in the Borough Plan states that proposals will be required to harmonise with the appearance and character of the local area and be appropriate in scale, form, materials setting, alignment and layout. Saved Policy UHT4 states that proposals which have an unacceptable detrimental impact on visual amenity will be refused. Saved Policy HO20 states that new development proposals and extensions will be refused unless they avoid unacceptable impacts on residential amenity in terms of their outlook, privacy, noise or overshadowing. Policy D10a of the Core Strategy requires new development to make a positive contribution to the townscape and urban heritage.

6.14 The nearest residential properties to the proposed school building would be nos. 2a and 4 Eldon Road. The nearest part of the school building would be approximately 25 metres to the garden boundary of no.2a Eldon Road and 27 metres to the garden boundary of no.4 Eldon Road. Given the pattern of development in the area, this separating distance is considered appropriate. The proposed two storey height of the building would be at a lower ground level than these properties due to the sloping site and although higher would not appear significantly dominating or unneighbourly in views to the west. The proposed flat roof would minimise bulk and overall height and

the overall proposed building therefore accords with Borough Plan Saved Policy UHT4.

6.15 Furthermore due to the separating distance between the proposed school building, the nearest residential property and the siting of the building at a lower level, it is considered that its height, scale and bulk would not result in unacceptable loss of sunlight, daylight or outlook to surrounding residential properties in accordance with Borough Plan Saved Policy HO20.

6.16 With regard to any potential noise impact, there are several play areas proposed around the southern, eastern and northern sides of the proposed building. These may have noise impact from children playing during break and lunch times and further noise impact from increased intensification of play areas in comparison to the existing playing field. However this is a proposal for a school on existing educational land. As such any noise impacts are not expected to be so unacceptable as to conflict with Borough Plan Saved Policy HO20(d).

6.17 The provision of a widened vehicular and pedestrian access onto Cobbold Avenue, a car park for 10 cars adjacent to no.1 Cobbold Avenue and the new service and access road to the School may result in some noise and disturbance to this property and other properties at 2, 2A and 4 Eldon Road from general use related to Kiss & Drop as well as servicing arrangements. As the main purpose is for School related staff parking and pedestrian access the use of the car park should be broadly restricted to school hours with evening and weekend community related use prevented by a proposed condition. Parking and access for community use would continue to be from Eldon Road as is currently the case. Furthermore the use of the road by vehicles related to the Kiss & Drop will be a further source of noise. The potential impact of such noise has been assessed taking into account existing background noise levels and concludes that existing fencing at 2 and 2A Eldon Road is adequate as a noise barrier whereas that at 4 Eldon Road and 1 Cobbold Avenue is not adequate and requires additional fencing at least 1.8 metres high. In order to comply with Policy HO20 a condition is recommended to secure provision of additional fencing.

6.18 In general , it is considered that the proposal would not unacceptably harm surrounding residential amenity in these terms and would accord with Saved Policies LCF16 and LCF18 of the Borough Plan.

6.19 The surrounding area is characterised by a mix of housing styles from various eras unified by being generally set-back behind front gardens with boundaries marked by low fences or walls. The area, particularly Eldon Road itself and the cemetery to the south of it, is well-treed and new street trees have been planted in Cobbold Avenue which will increasingly contribute to the townscape as they mature. Nevertheless in townscape terms the area is not considered particularly sensitive and it is not a designated Conservation Area.

6.20 The siting of the proposed school as an extension to the east of the existing building fronting Eldon Road is on one of the lowest parts of the site

and will therefore minimise its impact on townscape. It is also the optimum siting from an operational point of view. The siting continues the general building line and allows use of the existing main vehicular entrance to the site yet minimises need for additional circulation space within the site.

6.21 The aesthetic design of the proposal is simple without attempting to mimic the 1930s appearance of the existing school other than in its elongated proportions. It would use mostly traditional materials such as brick facings complemented with coloured modern materials such as powder coated aluminium and steel. Its design and layout provides accessibility for all users including those with mobility issues.

6.22 It is considered, therefore, that the proposed siting and appearance of the new school is appropriate in this location. The design will appear modern next to the existing 1930s School building but it does not appear dominating in terms of townscape. As such, it is considered that the proposal would accord with Borough Plan Saved Policies LCF16, LCF18, UHT1 and UHT4 and with Policy D10a in the Core Strategy.

### **Loss of playing fields**

6.23 The proposal will result in the loss of the school playing field in the south east corner of the site to accommodate the proposed building. Paragraph 74 of the NPPF states that existing open space, including playing fields, should not be built on unless:

- the open space is surplus to requirements;
- the loss would be replaced by equivalent or better provision, or
- the development is for alternative sports and recreation provision.

6.24 This approach is echoed in the Eastbourne Core Strategy Local Plan Policy D7: Community, Sports and Health which encourages new and sharing of existing sports facilities. It goes on to state that the loss of any community, sports or health facilities will be resisted unless it can be demonstrated that the facility is no longer required to meet current needs, or where alternative and improved provision can be made elsewhere in Eastbourne that is accessible to local people.

6.25 Following an initial objection from Sport England the proposal has been amended to include provision of two new (3G) artificial turf pitches on existing hard courts. In addition two (of four) hard tennis courts on the upper level adjacent to Cobbold Avenue are to be re-laid with natural turf to enlarge the adjoining grass playing field.

6.26 Sport England has subsequently withdrawn its objection. Whilst the comments include encouragement of floodlighting their provision is not a requirement and it should be noted that this application does not include any such proposals and therefore this would require separate planning permission. Whilst some public representations comment about the implications of floodlighting as well as Sport England's recommendation of a Community Use Scheme the site is already the subject of a Joint Use

Agreement signed in 1998 between the School, County and Borough Councils and expiring in 2019. It covers most of the outdoor sports pitches, the Sports Centre, parts of the existing school and its car park and is designed to encourage community use of the school's sports facilities up to 22.30 in the evenings and at weekends. The Community Use Scheme recommended by Sport England has similar aims and objectives and, furthermore, is supported in principle by Borough Plan Saved Policy LCF16(e). Therefore the loss of playing field is considered acceptable in this case.

## **Landscape, Ecology and Archaeology**

6.27 Borough Plan Saved Policy NE28 states that development proposals will be judged on their effect on environmental amenity.

6.28 Eldon Road itself is well treed but, in contrast, the Cavendish site itself is quite open and has few trees. Two mature Lime trees at the front of the site would be felled to facilitate the front car park and Kiss & Drop area. These are assessed to be good specimens and important in the local landscape. Their loss would be noticeable in the street scene, but could be compensated for by a suitable replacement planting scheme although this would need to take account of the amenities of residential neighbours to the east.

6.29 A Phase 1 Habitat Survey was carried out in July 2014 to assess the ecological value of the site. The cemetery opposite is a designated Site of Nature Conservation Importance (SNCI). However given the separation provided by the intervening Eldon Road as well as the nature, scale and position of the proposed development there are unlikely to be any significant impacts on the SNCI or any other sites with nature conservation interest. The Survey assessed the Cavendish site to be of low ecological value. Bats have been observed in the vicinity but no roosts observed. There may also be potential to support breeding birds so any development related activity that may affect breeding birds should be carried outside the nesting season. If this is not practical then a check should be carried out before any demolition or felling.

6.30 As the site is of low ecological value proposed planting and other related measures should enhance that value in accordance with paragraph 109 of the NPPF.

6.31 An archaeological evaluation of the site for the Primary School has been undertaken comprising trial trenching on the site for the building as well as on land to the north. No archaeological remains were located despite some survival of original ground surfaces beneath more recent cut and fill that has created the current terraced form of the site. It is unlikely that proposed development of this site would lead to any significant archaeological impacts and therefore there is no for any further archaeological mitigation work if development were to proceed.

## **Traffic Impact**

6.32 Saved Policy TR2 in the Borough Plan requires that development proposals provide for the travel demands they create by balanced provision for access by public transport, cycling and walking. Major development proposals shall be accompanied by a comprehensive transport assessment and planning permission refused for schemes where the transport impact is assessed to be unacceptable and appropriate mitigation measures cannot be agreed. Saved Policy TR11 in the Borough Plan states that new development must comply with approved maximum car parking standards as set out in the County Council's Supplementary Planning Guidance on parking standards. Saved Policies LCF16 and LCF18 in the Borough Plan state that planning permission will be granted for new schools where it can be satisfactorily demonstrated that there is a need for such a facility, provided that:

- c) the development has good, safe and secure access by public transport, on foot and by bicycle, where access is considered to be inadequate a travel plan and the development of safe routes to school will be required
- d) appropriate provision is made for access by people with disabilities and those with mobility problems.

6.33 The site is located within the Old Town ward to the west of Eastbourne. It faces onto Eldon Road, an unclassified road, but which provides a link between Willingdon Road (A2270) to the east and Victoria Drive (C695) to the west and therefore operates as an urban distributor road. It is also one of the main 'east/west' bus corridors across the town. The area around the school to the west is fairly flat and therefore more conducive to walking, cycling, etc. However to the north and east of Willingdon Road, especially Rodmill Drive, gradients increase and are less conducive to walking or cycling.

6.34 Below is the detailed appraisal of the Highway Authority on traffic impact in relation to parking, site accesses, traffic generation, start and finish times, Eldon Road, Cobbold Avenue, the Kiss & Drop arrangements, the Willingdon Road / Eldon Road / Rodmill Drive junction, and the proposed Travel Plan.

#### Parking

6.35 The car parking requirements for a primary school, in accordance with the ESCC Non Residential Parking Guidance is 1 space per teaching member of staff plus 1 space per 3 non-teaching staff members plus 2 spaces for visitors. Based on 15 teaching staff and 30 non-teaching staff, this equates to a requirement for 27 spaces. It is noted that the staffing levels appear to have been reduced slightly from 50 to 45 staff. The previous proposal was for 40 spaces and would have helped cater for any overspill parking from the Secondary School but this has now been reduced to 30. Although a reduced level of parking provision is regrettable it is still in accordance with ESCC Guidance and therefore is acceptable.

6.36 The parking spaces would be split with 20 fronting Eldon Road and the remaining 10 located off Cobbold Avenue. All these spaces would be accessed from Cobbold Avenue. Those fronting Eldon Road would have to

exit via Eldon Road and the spaces off Cobbold Avenue could exit from either Cobbold Avenue or Eldon Road.

6.37 The cycle parking provision remains the same as the previous submission. Spaces are required at the rate of 1 space per 10no. full-time staff and 1 space per 15 students and should be suitable for long term cycle parking being both covered and secure. Based on 458 pupils and 45 staff the proposed 36 spaces exceed the minimum requirement by 1 space.

#### Site Accesses

6.38 The site is currently accessed from Eldon Road for staff and pupils. This revised proposal would involve widening both the existing access from Eldon Road as well as the current 'maintenance' access from Cobbold Avenue.

6.39 The Cobbold Avenue access would provide the entrance to the new parking areas and the 'kiss & drop' as well as an exit for the 10 space car parking area off Cobbold Avenue.

6.40 The Eldon Road entrance would be used for cars wishing to access the existing car park in front of the secondary school as well as providing the exit for the 'kiss & drop' and for parking in front of the primary school. The access will be reconfigured within the site to give priority to vehicles leaving the Kiss and Drop rather than to secondary school parking.

6.41 Using the existing access in Eldon Road for these purposes would locate the exit from the site further away from Willingdon Road junction than the previous proposal. The distance would increase from approximately 92m to approximately 180m. Another existing service access in Eldon Road to the east of the main entrance would be removed.

6.42 Finally new pedestrian entrances would be constructed close to the eastern boundary of the site, adjacent to the vehicular entrance on Eldon Road and as part of the Cobbold Avenue entrance.

6.43 Using the existing Eldon Road access means that the mature elm trees that would have been lost through construction of a new access in the original proposal can be retained. Although there are trees within the visibility splay of the existing access they are towards the extremes of the splays and do not fully obstruct the view of a whole vehicle or pedestrian, so their retention should not have a significant impact on road safety.

6.44 Whilst it is acknowledged that the Cobbold Avenue access is not currently used a great deal, being mainly used for maintenance vehicles, the access already exists and therefore the principle has been established. Appropriate visibility splays would be available and although there are trees within the splays they would not fully obscure a whole vehicle or pedestrian so can remain as they would not have a significant impact on road safety. Should this application be approved then it may become necessary in the future for

some or all of these trees to be removed to ensure appropriate visibility is retained.

#### Traffic Generation:

6.45 As with the previous Transport Assessment a TRICS data output has been provided to give an estimate of the number of vehicle trips that would be created by a school of this size. A different unit of measurement, number of pupils, has now been used to assess likely trip levels, rather than the gross floor area of the school. The figures submitted are now considered appropriate.

6.46 Modal split data has again been used from the nearby Motcombe School which shows 53.2% walk and 42% travel by car with 2.5% using bus and 2.5 % cycling. Compared to the figures for all non church schools within Eastbourne these figures are similar to the averages obtained. Overall approximately 36% of children are driven but when the very low figures for a few schools are removed the average becomes approximately 43%. It is noted that the highest level observed was 52% being driven.

6.47 Using the Motcombe School percentages gives a total of 193 pupils arriving by car although given the uncertainty over exactly where pupils will be travelling from using the highest figure within the town would have been more robust. Using 52% would mean that 238 children would be driven but this would likely represent 159 cars.

6.48 To achieve these figures would rely on a large number of pupils living within walking distance. There has been an increase in births across Eastbourne including the west of town where the Cavendish School is situated. The west area covers the Meads, Old Town and Upperton wards. All of the Meads ward as well large parts of the Upperton ward are more than 1200m away from the school and therefore pupils would be less likely to walk/cycle to the site. It is also noted that the catchment area for schools within Eastbourne is the whole town so there is no restriction on where pupils can live who attend the school although location would form one of the selection criteria. There will be an increased need in the west of the town (60 places in September 2015) so it seems reasonable to assume that a large number of the places would go to pupils from the west of the town, although many would be beyond walking distance. One likely scenario if this school is approved is that with location being one of the selection criteria all of the 'catchments' for each school will alter slightly which may bring more pupils for the school within walking distance.

6.49 It is difficult to predict with certainty exactly how many pupils will arrive at the site by car. But, the TRICS data used is now considered acceptable and although using the data from Motcombe School is not the most robust, the difference between it and the highest car usage seen would increase the numbers of cars by 31. As these cars would be split over a number of different routes to the proposed school the number of additional cars passing through any one junction would be quite low limiting the impact that they would have.



6.50 Although not necessarily the most robust level of traffic that could be applied, as the trips would be spread over a greater number of roads than the previous scheme and generally the impact on any one road or junction will be lower, the predicted traffic generation is considered an acceptable figure.

#### Start and Finish times

6.51 The start times suggested in the Transport Assessment show the Nursery starting at 08:00, Secondary School at 08:20, Years 4, 5 & 6 at 08:40 and Reception, Years 1, 2 & 3 at 08:55. The finish times would be Secondary at 14:50, Years 4, 5 & 6 at 15:10 and Reception & Years 1, 2 & 3 at 15:25.

6.52 An all through school does have some advantages, as it allows siblings to be taken to one school in one trip reducing the number of trips for some parents and removing some journeys from the highway network. Also the staggered start and finish times would reduce peak demand and therefore the severity of the impact that the proposal would have on the highway network. It does however extend the time that the 'kiss & drop' would be required to operate and makes it more complex to run than a single start and finish time.

#### Eldon Road

6.53 Eldon Road is an unclassified road but provides a link between Willington Road (A2270) to the east and Victoria Drive (C695) to the west and therefore operates as an urban distributor road. It is also one of the main 'east/west' bus corridors across the town.

6.54 Given the position of Eldon Road in the local highway network it is well used throughout the day but especially at school pick up and drop of times. As well as the existing Cavendish Secondary School both Motcombe Infant School and Ocklynge Primary School are in close proximity, with Motcombe School accessed from Macmillan Drive which has a junction with Eldon Road.

6.55 As there is currently no drop off area within Cavendish School, drop off and pick up takes place mainly on street. It is acknowledged that some parents choose to pick up and drop off in the Church grounds opposite but there is no formal agreement for this to take place. Although it is currently generally tolerated by the Church, access is sometimes prohibited. While this helps it cannot be relied upon as its continued use cannot be guaranteed.

6.56 As drop off and pick up mainly takes place on street, the road does get congested at times at the start and end of the school day. This is due in part to the road width and arrangement of parking spaces which does reduce the carriageway width so two way traffic flow is not always possible with vehicles having to give and take.

6.57 As with the previous submission it is proposed to take away part of the highway verge to create a number of parking lay-bys which would then allow

two way traffic flow which would help to ease congestion in the area around the entrance. These have been designed to enable the existing elm tree to be retained by avoiding any excavation within the root protection zone.

6.58 It has also been suggested that waiting restrictions could be installed to prevent parking all day to allow more space for drop off and pick. This would help the situation but the extent and type of restriction would need to be considered. If the application were to be approved then a contribution would need to be secured from the applicant to provide waiting restrictions should the need arise.

6.59 At the Eastbourne Borough Council Planning Committee on 2<sup>nd</sup> June the revised proposal was considered. No objection was raised in principle to the creation of the new school but the Council considers there should be some caution in relation to highway capacity, highway safety and the appearance of the building.

6.60 In addition it was requested that the County Council use best endeavours to install a pedestrian crossing in Eldon Road and introduce a 20mph speed limit to the road network close to the site.

6.61 The Highway Authority would support in principle any proposal it provide improved crossing facilities and lower traffic speeds but these need to be fully considered first.

6.62 These requests are obviously points for the applicant to consider first, but it should be noted that as part of the required signal alterations a pedestrian phase should be implemented on the Eldon Road and Rodmill Drive arms. This would provide a controlled crossing point for anyone travelling from the east of the site via Willingdon Road. A zebra crossing is already in place to the west of the school close to the Baldwin Avenue junction. There will also be a total of 4 traffic islands between these two controlled crossings providing uncontrolled crossings. The provision of kiss and drop should also reduce the number of pedestrians which need to cross Eldon Road. Another controlled crossing would have an effect on traffic flows, delays, etc. Depending on the location it could also remove on street parking.

6.63 With regard to the 20mph speed limits, the average speeds during the drop off and pick up times are likely to be below 20mph. Outside of these times the average speeds will be above 20mph but without survey data the exact speed is unknown. The actual speed of traffic will determine what measures are required to implement a 20mph speed limit. Any proposal would also need the support of the Police as the enforcement agency.

6.64 It is therefore suggested that the applicant be required to investigate both of these requests should consent be granted and implement any scheme subsequently agreed with the Highway Authority.

Cobbold Avenue

6.65 Cobbold Avenue is not currently used for formal access to Cavendish School, other than for maintenance. It is a relatively quiet residential street although it is used to access Ocklynge School at the other end of the road. A traffic survey was carried out and has been included in the revised Transport Assessment. This shows the level of use is quite low and mirrors site observations. As the survey was only for one day it is not as robust as a longer survey however as it is the same as site observations it seems unlikely that the situation would generally be significantly different.

6.66 By installing the entrance to the 'kiss & drop' and primary school parking here it would obviously increase the level of traffic which uses Cobbold Avenue although it should be noted that this would be an 'in' only entrance for the 'kiss & drop' with only cars from the 10 space car park possibly exiting. The level of trips is therefore going to be lower than for an in and out arrangement.

6.67 As the parking spaces are going to be used by staff it is therefore not expected that there will be many vehicle movements out of the site at the start and end of the school day. This will help access into the site to be as easy as possible as there will be little or no delay waiting for vehicles to exit.

6.68 This new entrance may entice parents to use Cobbold Avenue to park to drop off and pick up their children. However, due to the distance that children would have to be walked to the proposed school on the opposite side of the site, this would take some time and would deter some parents due to the time it would take. Also, particularly in the AM peak, Willingdon Road is busy making turning right from Cobbold Avenue difficult, which would also put some off using this entrance.

6.69 There is a concern that the speed for cars entering Cobbold Avenue travelling north on Willingdon Road could be higher than desirable as there is a large radius which allows a higher entry speed. In order to overcome this concern the junction radius should be altered to slow entry speeds. This would also provide a narrower pedestrian crossing point for anyone crossing Cobbold Avenue. As part of any scheme a right turn lane should be installed in Willingdon Road for traffic travelling southbound looking to turn into Cobbold Avenue. Given the relatively close proximity to the traffic signals, traffic travelling northbound will be still be in 'pontoons' and therefore right turners may have to wait before they can make the turn. A right turn lane would help by formalising the arrangement and reduce any delays for traffic not wanting to turn. Willingdon Road is approximately 9m wide at this point and therefore there is space to provide 3no. 3 metres wide running lanes.

6.70 This application would undoubtedly increase traffic flows and most likely parking in Cobbold Avenue and there is a concern about the impact that this will have on the street but given the current low usage and the fact it is going to be mainly traffic simply entering the site it is not considered that the impact could be considered 'severe' in NPPF terms and therefore is not a reason for a refusal.

6.71 It should also be noted that controls (double yellow lines, etc) could be put in place to control parking in Cobbold Avenue if it became necessary. If the application were to be approved then a financial contribution would need to be secured from the applicant to provide waiting restrictions should the need arise.

#### Kiss & Drop

6.72 The proposed Kiss & Drop has been changed considerably as part of this scheme. Previously it included 10 spaces for pick up and drop off with space for 5 cars queuing, all accessed from Eldon Road. This has now been increased to 15 spaces for pick up and drop off, with room for 30 cars queuing, all accessed from Cobbold Avenue with an exit into Eldon Road.

6.73 Under the original submission the kiss and drop facility would have needed to operate very efficiently and quickly at all times to ensure the throughput of vehicles was fast enough to not impact on the highway. This was mainly due to the layout, which only provided limited queuing within the site. Any queuing to get into the school would have disrupted traffic flow in Eldon Road which would have fairly quickly caused problems for cars looking to exit the site.

6.74 The increased number of bays and greatly increased queuing space within the site as well the relocated entrance, reduces the concerns over the speed at which the kiss & drop needs to operate, as the potential for an impact on the highway from less efficient operation is far lower.

6.75 As previously the kiss & drop would need to cover the staggered start and finish times it would need to operate from 07:50 - 09:15 and 14:40 - 15:40 on every school day. As the efficient operation would rely on sufficient staffing being provided, this needs to be secured as part of any legal agreement.

6.76 Although the kiss and drop would still need to operate quickly and effectively the implications of it not operating at peak efficiency are not as severe due to the revised design. It should also be noted that as the school will expand over a number of years there is time for the operation of the facility to be developed and improved before the speed of operation becomes more important. The parents using it would also have time to get used to the way it works.

#### Willingdon Road/Eldon Road/Rodmill Drive junction

6.77 To the east of the site there is an existing traffic signal controlled junction. It operates in three phases with traffic from Eldon Road, Rodmill Drive and Willingdon Road all running independently. Signalised pedestrian crossings over both arms of Willingdon Road also operate within these phases, but there are no signalised crossing points on either Eldon Road or Rodmill Drive. It is currently considered that there is sufficient time for pedestrians to safely cross these arms while traffic is held at red lights.

6.78 Given the amount of traffic that uses these roads, particularly at peak times the presence of traffic signals is always going to produce delays. In this case this is increased by the signals running in three phases. At peak times there is queuing traffic on all arms of the junction, in particular along Willingdon Road but the queues in Eldon Road do reach back to and past the proposed exit from the site.

6.79 The signals run in three phases currently as there was concern when the signals were installed approximately 10 years ago, that two buses travelling in opposite directions (from Eldon Road into Rodmill Drive and vice versa) would not be able to pass each other. This junction is also important for the bus services which operate in Eastbourne as a number of routes run through it. The 1/1A operate every 7/8 minutes, 51/54 & 98 run every 15 minutes combined and the 55 & 56 each run hourly.

6.80 As with the previous submission the reconfiguration of this junction has been considered to increase the capacity, which would in turn improve traffic flows and reduce queues. The design submitted alters the kerb line on the northern corner of Eldon Road and Willingdon Road by narrowing the footway to create enough space for two buses to pass each other, based on vehicle tracking. This in theory, would allow the junction to operate in two phases which can increase capacity and reduce queuing, although the increase during peak hours would be far lower. Previously there was concern over the traffic figures used in the model but the figures now used are considered acceptable. Although not possibly the most robust that could be used the difference between them is not that great.

6.81 The proposal has been subject to a Stage 1 Safety Audit which identified a number of issues. To overcome these issues would involve widening the carriageway in Willingdon Road along with a number of other alterations, in addition to those originally proposed (widening at the junction with Eldon Road, implementing pedestrian phases, etc).

6.82 One issue which would affect the operation of the junction is the presence of a request bus stop in Eldon Road on the westbound lane close to the Willingdon Road junction. As the stop is close to the junction when a bus does stop traffic can back up through the junction. Under the current arrangement this does not cause a significant problem as the traffic light phasing allows any queue to clear before an opposing traffic flow starts. The proposed phasing would mean that either the pedestrian crossing over Eldon Road would be obstructed by vehicles or the opposing traffic flow on Willingdon Road would start adding to congestion. To resolve this issue the stop could be relocated further down Eldon Road away from the junction. This would need to be included as part of the works the applicant would need to carry out if permission is granted and should be secured as part of a legal agreement.

6.83 The alterations to the junction are acceptable in principle and considered necessary to reduce the impact that the construction of the school would have. The applicant would need to fully fund the detailed design and

implementation of all the necessary works and to complete the works prior to the opening of the new school building. This should be secured by legal agreement.

6.84 One of the main concerns previously was the proximity of the exit from the site in Eldon Road to the traffic signals at the junction with Willingdon Road. The queue length surveys carried out showed that it was a reasonably regular occurrence for cars to queue back past the point of the proposed access, a distance of approximately 92m. The use of the existing access increases the distance from the traffic signals from approximately 92m to approximately 180m. This increases the number of cars required to be queuing before a problem would be caused at the access from 14 to 29. Although on site observations and surveys show that cars do queue back as far as the existing access, this has only been observed once. This is obviously the existing situation and with the addition of the extra traffic associated with the primary school queues could extend further, although changes to the existing traffic signals could reduce queues lengths. These figures, although maybe not the most robust interpretation possible are considered to represent a reasonable assessment of the likely situation.

6.85 The revised layout would result in a greater spread of traffic over the surrounding roads than the previous application as there are a number of routes which cars can take to get to the entrance in Cobbold Avenue. It is appreciated that some of these streets become busier during school pick and drop off hours but with a number of routes available traffic will spread out over them. Although there will be an impact on these streets (i.e. Beverington Road, Stuart Avenue, etc) it is not considered that it would create a severe impact and therefore would be acceptable as a severe impact would not be created.

6.86 Another concern previously was the possibility of cars queuing out of the site onto the highway. As the maximum queue and capacity in the Kiss & Drop has increased from 5 to 30 cars this is no longer a significant concern.

6.87 Even if the Kiss and Drop were to operate as efficiently as the Transport Statement suggests there would still be an increase in cars that pickup and drop off on street. A staggered start and finish time would help but given the limited amount of on street parking space due to the presence of bus stops, vehicle entrances and double yellow lines additional cars would lead to additional congestion as there would be some overlap of start and finish times. Parents picking up and dropping off on street for the primary school and nursery would also park for longer as they would walk their children to and from school as opposed to secondary school children who are typically dropped off and picked up which leads to a faster turn around of spaces. It is of course possible that it would be quicker to use the kiss and drop facility than to park and walk children to and from school.

6.88 If the kiss and drop proves to be unreliable and does not work as set out then parents may well stop using the facility and instead park on street to drop off and pick up, increasing congestion and delays. Although the scheme

still relies heavily on the kiss and drop, with the new layout there is a greater chance of it operating without creating a significant impact on the highway network. The increase in children year on year also allows for its operation to be improved before it reaches peak usage. This can be monitored through the Travel Plan on an annual basis.

6.89 There is still a concern that parents choosing to park on street to drop off could cause congestion and therefore a contribution from the applicant to cover the cost of implementing any double yellow lines, etc that may become necessary.

6.90 The operation of the kiss & drop would need to be secured by condition to ensure it is always in operation when the school is open and operating in accordance with an agreed procedure. This is required to lessen the impact on the highway network and to ensure its safe, effective operation.

#### Travel Plan

6.91 In order to limit the number of trips to and from the site a Travel Plan has been suggested with some ambitious targets to reduce the number of trips to the site by car by 12%, increase average pupil average occupancy of each vehicle from 1.5 to 2.5, increase the number of children using the bus, cycling and using scooters. It also states that there is significant scope for increasing the number of pupils that walk to school.

6.92 A reduction in car use with a switch to more sustainable mode of travel through a Travel Plan should always be an aim of any traffic generating development (in line with NPPF) In this case however there may be potential difficulties in achieving such ambitious targets.

6.93 To increase walking and cycling would require the children to live within appropriate distances. Although there is increased demand in the west of the town substantial parts of the wards that make up this area are more than 1200m away and the topography to the east of the site is not conducive to walking and cycling.

6.94 Increased car occupancy would obviously help reduce the number of trips and with an all through school this should be more achievable.

6.95 A Travel Plan would need to be secured and monitored as part of any consent and although some of the ambitious targets may be difficult to achieve any move towards car sharing or preferably sustainable transport modes would be welcomed and help to reduce the impact of the school. The Travel Plan should also include an annual review of the operation of the Kiss & Drop which will need to be agreed with the Highway Authority

#### Conclusion on Traffic Impact

6.96 Although the Cavendish site is not ideal from a highway perspective the revised proposals are an improvement and would reduce the overall impact of the development compared to the previous layout.

6.97 The updated Transport Assessment also provides better assessment of the impact that will take place especially at the Willington Road/Eldon Road traffic signals. Although there are a few issues that have not been considered such as additional traffic having to use Beverington Road due to banned right turns, it is not considered that there will be severe impacts as a result.

6.98 There will be an impact on the highway network as a result of this development but as with all schools this is twice a day during term time only. It will also take a number of years for the school to reach full capacity which will give the Kiss and Drop and travel plan time to be implemented and reviewed. With this in mind and the appropriate changes to the highway it is not considered that a 'severe' impact would be created and therefore the proposal is acceptable in principle as it is in accordance with the NPPF and overall complies with Saved Policy TR2 in the Eastbourne Borough Plan.

## **7. Conclusions and reasons for the recommendation**

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 Government attaches great weight to the need to create schools and great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It also expects there to be a presumption in favour of development of state-funded schools. There is a clear, stated need for additional school places in Eastbourne due mainly to the increased birth rate over recent years. Development intended to meet this need is supported in principle by Saved Policies LCF16 and LCF18 in the Eastbourne Borough Plan, by the Core Strategy and the Infrastructure Delivery Plan.

7.3 The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Government's Policy Statement on Schools Development advises that refusals will have to be clearly justified by the local planning authority in view of the strong policy support for improving state education.

7.4 The proposal is considered to be acceptable in its impacts. Whilst there will be some adverse impacts arising from its impact on the local highway network these will be limited to the beginning and end of the school day and, when taking into account proposed highway mitigation works, are not considered to be so severe as to merit refusal of the application or to outweigh the significant benefits of additional school places.



7.5 In determining this planning application, the County Council as Local Planning Authority has worked with the applicant in a positive and proactive manner. In addition views have been sought from consultees and neighbours and responses have been considered 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) Order 2015.

7.6 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:-

- 1 a) To authorise the Director of Communities, Economy and Transport to secure, in conjunction with the Assistant Chief Executive, a Legal Agreement or Undertaking to secure off site highway works including alterations to the Willingdon Road/Eldon Road/Rodmill Drive traffic signals, alterations to the Cobbold Avenue/Willingdon Road junction, access alterations, provision of laybys in Eldon Road, provision of a new traffic island in Eldon Road, consideration of the position of bus stops in Eldon Road, consideration of Eastbourne Borough Council's request for a controlled crossing and 20mph speed limit in Eldon Road, a contribution towards applications for Traffic Regulation Orders and development of a Travel Plan
- b) To authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Legal Agreement/Undertaking subject to conditions along the lines as indicated in Paragraph 8.2 of this report.
2. To authorise the Director of Communities, Economy and Transport to refer the application back to this Committee if the Legal Agreement or Undertaking is not secured within 6 months of the date hereof.

8.2 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 plans listed in the Schedule of Approved Plans.

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

3. No demolition or construction works shall take place in connection with the development hereby approved at any time other than between 0730 and 1800 on Mondays to Fridays, between 0800 and 1400 on Saturdays and not at any time on Sundays, Bank and Public Holidays unless the prior written agreement of the Director of Communities, Economy and Transport has been given.

Reason: To help protect the amenities of the locality during construction in accordance with Saved Policy HO20 of the Eastbourne Borough Plan 2003.

4. Unless otherwise agreed in writing by the Head of Planning and Environment, development shall not commence until details of wheel washing facilities have been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved details shall be implemented in full before the commencement of development and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle associated with the development shall leave the site carrying mud, dust or debris on its wheels.

Reason: The condition is linked to commencement of development because it relates to the construction phase and is required in the interests of highway safety and the amenity of the locality.

5. The development shall not be occupied for educational purposes until site accesses affected by the development have been constructed or removed to the written satisfaction of the Director of Communities, Economy and Transport.

Reason; To ensure safe access to the site in accordance with Saved Policy TR2 in the Eastbourne Borough Plan 2003.

6. Unless otherwise agreed in writing by the Head of Planning and Environment, development shall not commence until a Construction Traffic Management Scheme has been submitted to and approved by the Director of Communities, Economy and Transport. This shall include the size of vehicles, hours of operation and routeing and construction shall be carried out in accordance with the approved Scheme.

Reason: The condition is linked to commencement of development because it relates to the construction phase and is required in the interests of highway safety and the amenity of the locality.

7. Unless otherwise agreed in writing by the Head of Planning and Environment, development, including demolition, shall not commence

until a Site Waste Management Plan securing and demonstrating that the amount of excavation and construction waste resulting from the development has been reduced to smallest amount possible has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The statement shall include details of the extent to which waste materials arising from excavation will be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be disposed of for reuse, recycling, composting or other method. All construction waste materials associated with the development shall be reused, recycled and dealt with in accordance with the approved Plan.

Reason: The condition is linked to commencement of development because it relates to the construction phase and is intended to minimise the amount of construction waste to be removed from site for final disposal in accordance with Saved Policy NE5 of the Eastbourne Borough Plan 2003.

8. Prior to commencement of development details of the protection and retention of trees and other vegetation during shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details.

Reason: The condition is linked to commencement of development because it relates to the construction phase and aims to ensure trees are protected during construction in the interests of the character of the area in accordance with Saved Policy UHT7 in the Eastbourne Borough Plan 2003.

9. Development shall not commence above ground level until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Saved Policy UHT1 in the Eastbourne Borough Plan 2003.

10. Details of the proposed surface water drainage to prevent the discharge of surface water from the site onto the public highway and vice versa shall be submitted for the written approval of the Director of Communities Economy and Transport. The approved details shall form part of the development as built and be ready for use before the approved development is occupied.

Reason; To ensure appropriate arrangements for surface water drainage in the vicinity of the public highway.

11. The development shall not be occupied until details of the proposed means of foul and surface water drainage have been submitted to and approved in writing by the Director of Communities, Economy and Transport and development shall be carried out in accordance with the approved details.

Reason: To ensure adequate drainage of foul and surface water from the site.

12. The rating level of noise emitted from new plant shall not exceed the lowest measured background noise levels at the site's boundary with the nearest sensitive receptor.

Reason: To minimise the noise impact from plant in accordance with Saved Policy HO20 in the Eastbourne Borough Plan 2003.

13. Before the development is occupied details of external lighting shall be submitted to and approved in writing by the Director of Communities, Economy and Transport and installed lighting shall be implemented in accordance with the approved details.

Reason: In the interests of safety, security and the amenities of the area and to accord with Saved Policy LCF18 in the Eastbourne Borough Plan 2003.

14. Before the first occupation of the development hereby permitted, a Framework Travel Plan shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Travel Plan shall be implemented and thereafter reviewed in accordance with the approved details.

Reason: To help increase awareness and use of alternative modes of transport for school journeys in accordance with Saved Policy TR2 of the Eastbourne Borough Plan 2003.

15. The areas indicated on the approved drawings for the parking and circulation of vehicles shall not be used for any other purpose and shall be retained for this purpose at all times.

Reason: To ensure provision of the parking and circulation facilities in relation to the authorised use of the development in accordance with Saved Policy TR2 in the Eastbourne Borough Plan 2003.

16. Before the school is brought into use the cycle and scooter parking on the approved plans shall be provided and retained thereafter.

Reason: To comply with Saved Policy TR6 in the Eastbourne Borough Plan 2003.

17. Prior to occupation of the development details of noise barrier(s) adjacent to the eastern boundary shall be submitted to and approved in writing by the Director of Communities Economy and Transport. Details shall include design, appearance, siting and the approved details shall be carried out before the development is occupied for educational purposes.

Reason: To minimise the impact of use of the access road in accordance with Saved Policy HO20 in the Eastbourne Borough Plan 2003.

18. The development shall not be occupied until details of hard and soft landscaping works and ecological enhancements have been submitted to and approved in writing by the Director of Communities, Economy and Transport and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.)

Soft Landscaping

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation and maintenance programme

The landscaped areas shall be maintained thereafter in accordance with the approved details

Reason: To help integrate the development effectively into the surrounding environment and to comply with Saved Policy UHT7 Eastbourne Borough Plan 2003.

19. The development hereby permitted shall not be brought into use until the area shown as two mini soccer natural grass pitches shaded light green on Drawing No.(PL) 005 rev. K and the area shown as 5v5 Artificial Grass Pitch shaded dark green has been laid out in accordance with Drawing No. (PL) 005 rev. K, so that both are available for use as a playing field/sports facility. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as

amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field/sports facility.

Reason: To secure the provision of playing field/sports facility before the occupation of the new school building and to accord with Saved Policy LCF2 in the Eastbourne Borough Plan 2003.

20. The two mini soccer grass pitches shall be constructed and laid out in accordance with the area shaded light green on Drawing No. (PL) 005 rev. K and with the standards and methodologies set out in the guidance note `Natural Turf for Sport` (Sport England, 2011), and shall be available for use before occupation of the development hereby permitted.

Reason: To ensure the quality of pitches is satisfactory and they are available for use before occupation of the approved development in order to comply with Saved Policy LCF2 in the Eastbourne Borough Plan 2003.

21. The 5v5 Artificial Grass Pitch hereby permitted shall not be constructed other than substantially in accordance with Sport England's Design Guidance Notes for Artificial Surfaces for Outdoor Sport 2013 and the FA's 'Third Generation Football Turf Guidance.'

Reason: To ensure the approved development is fit for purpose and sustainable and to accord with Saved Policy LCF2 in the Eastbourne Borough Plan 2003.

22. Use of the approved development shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The agreement shall apply to the 5v5 Artificial Grass Pitch and the northern playing field (x2 mini soccer pitches) and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which Sport England considers reasonably necessary in order to secure the effective community use of the facilities. The pitches 5v5 Artificial Grass Pitch and the northern playing field (x2 mini soccer pitches) shall be used strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Saved Policy LCF2 in the Eastbourne Borough Plan 2003.

23. The access road and 10 space car park to the east and north of the proposed building shall not be used at any time other than between the hours of 0730 and 1830 on Monday to Friday unless in the case of emergencies.

Reason: To minimise the impacts on the amenities of adjoining occupiers in accordance with Saved Policy HO20 of the Eastbourne Borough Plan 2003

### INFORMATIVES

1. Guidance on preparing Community Use Agreements is available from Sport England <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>
2. A formal application for connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Southern House, Sparrowhawk, Otterbourne, Hampshire, Tel. 0330 303 0119.

### Schedule of Approved Plans

Site Location Plan RevA, Existing Secondary School Plan RevA, Existing Site Sections and Context Elevations RevA, Proposed Basement Floor Plan RevA, Proposed Roof Plan RevA, 6065 (PL) 008 Rev B - Proposed First Floor Plan , 6065 (PL) 007 Rev B - Proposed Ground Floor Plan , 6065 (PL) 002 Rev D - Existing Site Plan, 6065 (PL) 010 Rev C - Proposed Elevations South & West, 6065 (PL) 011 Rev B - Proposed Elevations North & East, EDS 07-0102.05 A, Sub-station details, 6065 (PL) 005 Rev K - Proposed Site Plan, 6065 (PL) 012 Rev D - Proposed Elevations in Context, 6065 (PL) 013 Rev C - Proposed Sections, 6065 (PL) 014 Rev A - Eastern Boundary Sections

RUPERT CLUBB

Director of Communities, Economy and Transport  
16 June 2015

### **BACKGROUND DOCUMENTS**

Development Plan

National Planning Policy Framework

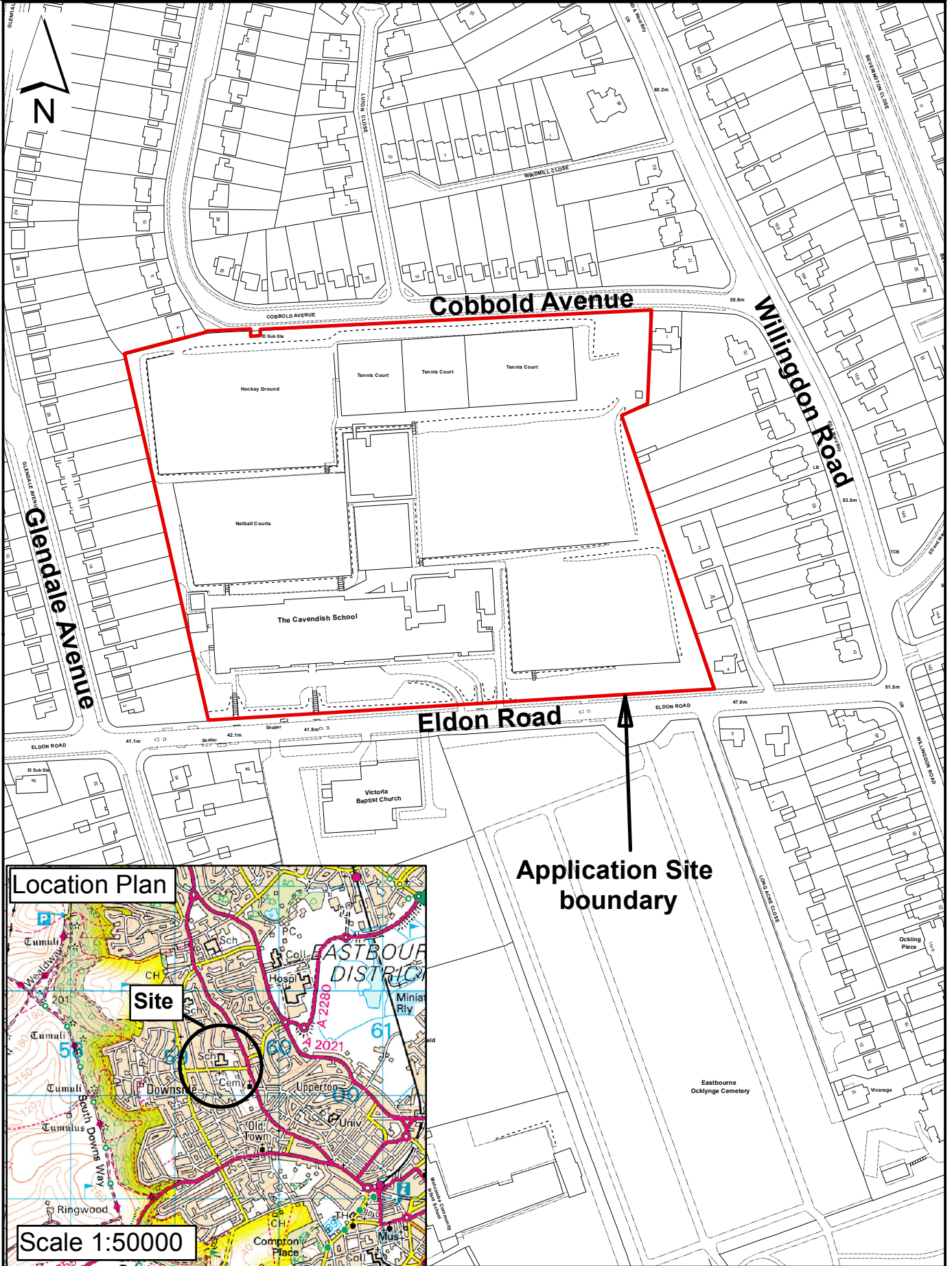
Policy Statement on Planning for Schools Development, 2011

Education Commissioning Plan, 2014 - 2018

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# EB/3238/CC The Cavendish School, Eldon Road, Eastbourne.



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Director of Communities  
Economy and Transport  
East Sussex County Council

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Committee: **Regulatory  
Planning Committee**

Date: **24 June 2015**

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

Proposal: **Installation of a single mobile classroom to be located  
to the front (south) of the main School building.**

Site Address: **Chyngton School, Millberg Road, Seaford, BN25 3ST.**

Applicant: **Director of Children's Services**

Application No. **LW/3257/CC**

Key Issues:            **i) Need  
                              ii) Siting, design and landscaping  
                              iii) Access for people with disabilities  
                              iv) Amenity  
                              v) Waste minimisation  
                              vi) Parking & traffic generation**

Contact Officer: **Julie Cattell – 01273 482595**

Local Member: **Cllr. Frank Carstairs**

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## **SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as indicated  
in paragraph 8.1 of this report.**

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

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

1.1 Chyngton Primary School caters for approximately 420 pupils aged between 5 and 11 years old and is located in a residential area in north-eastern Seaford, on the northern side of Millberg Road, at its right-angled junction with Saltwood Road. The entire School site is roughly rectangular in shape and is bordered to the west, north and east by the rear gardens of residential properties and by Millberg Road itself to the south. Properties in Millberg Road face the school.

1.2 The site is level and arranged with the buildings, and, hard and soft-surfaced play areas to the south and the playing fields to the north. One of the

main exit doors from the school building on the south elevation leads to a grassed area, approximately 20m deep by 13m wide, bounded by a mesh fence on the south and west sides and a low picket fence on the east. There is a mature tree located approximately 17m from the front of the school. This grassed area is used for play, adjacent to a hard surface play area which extends across the remainder of the frontage of the school to the east.

1.3 The main school buildings are predominantly two storeys in height and are constructed in buff coloured brick with flat roofs and white window frames. The western, northern and eastern boundaries of the School site are generally defined by chain-link fencing and sporadic hedging. The main southern boundary is defined by a mature Copper Beech hedge, approximately 2m high and 1m wide, with Weldmesh fencing on the inner side.

## **2. The Proposal**

2.1 The School is expected to see an increase of 30 pupils from September 2015 but not all can be accommodated within the existing school premises. Planning permission is therefore sought for a single temporary classroom to accommodate the additional intake. It is proposed to be located on the existing grassed area in front of the school building.

2.2. The proposed classroom is to be a standard ESCC unit, 9m x 8m x 3.1m high. Internally, the space will be laid out as a 54m<sup>2</sup> classroom with a store off to one side, 2 x W.Cs and an entrance lobby. There will be a ramp up to the main entrance and steps up to a second, fire escape door, located in the north elevation. There are 4 white, uPVC sash style windows in each of the east and west elevations. The external covering is plywood, finished in 'East Sussex Green' and felt to the roof. There are to be 2 x air-conditioning units located at low level on the northern elevation.

## **3. Site History**

3.1 There are a number of applications in the planning history from 1994, relating mainly to extensions and previous temporary classrooms. The following applications are of relevance:

2008 – Granted - LW/2731/CC. Retention of double mobile classroom

2007 – Granted – LW/2608/CC – 3 external canopies on front elevation of school over early years playground

2007 - Granted - LW/2051/CC/2 – Retention of single classroom

2004 - Granted - L/2051/CC/1 – Retention of single classroom

2003 - Granted - LW/2249/CC - Retention of double mobile classroom

2001 – Granted - LW/1677/CC/1 - Retention of double mobile classroom

2001 – Granted - LW/2051/CC – Installation of new single mobile classroom & covered link

1995 – Granted - LW/1677/CC – Provision of double classroom

1995 - Granted LW/1654/CC – Provision of single mobile classroom

#### **4. Consultations and Representations**

4.1 Lewes District Council – No objection

4.2 Seaford Town Council – No response.

4.3 Highway Authority - Does not wish to restrict grant of consent.

4.4 Local Representations – 2 emails received:

The first representation has no objection to the siting of the classroom but raises concerns about the parking situation in the surrounding roads, which could potentially worsen with increased intake. The second response raises concerns about the parking demand in the area and suggests measures that could be taken to alleviate the situation.

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

5.1 Lewes District Local Plan 2003: Saved Policies ST3 (a), (b), (c) & (d), (design, form and setting of development) and T1 (Travel Demand Management). Lewes District Council has undertaken an assessment of the Saved Policies in its Local Plan to evaluate their conformity with the NPPF. Saved Policies ST3 and T1 are considered to be fully consistent with the NPPF.

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policy WMP3d (minimising and managing waste during construction, demolition and excavation).

5.3 National Planning Policy Framework 2012; The National Planning Policy Framework (NPPF) does not change the status of the development plan as the starting point for decision making but it does constitute guidance as a material consideration in determining planning applications. Due weight should be given to relevant policies in plans existing before 2012 according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 72 states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities are advised to give great weight to the need to expand or alter schools. Section 7 emphasises the great importance Government attaches to the design of the built environment and paragraph

109 states the planning system should contribute to and enhance the natural and local environment.

5.4 Policy Statement on Planning for Schools Development 2011: The policy statement states that the planning system, when dealing with planning applications for state-funded schools should operate positively and there should be a presumption in favour of the development of state-funded schools. The policy statement encourages a collaborative approach to applications, encouraging pre-application discussions and use of planning obligations to help mitigate adverse impacts of developments. Where it is necessary to impose conditions, they should be necessary in order to make development acceptable and be clearly justified, thereby demonstrably meeting the tests set out in Circular 11/95 (now superseded by Planning Practise Guidance 'Use of Planning Conditions'.)

The policy statement goes on to indicate that the Secretary of State will be minded to consider refusal of any application for state-funded schools to be unreasonable conduct, unless it is supported by clear and cogent evidence.

## **6. Considerations**

### **Need**

6.1 NPPF Paragraph 72 states that the Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities.

6.2 The County Council has identified a shortfall in Reception Year places in a number of areas, including Seaford. Chyngton School is anticipating an increased demand for 30 additional places in the coming academic year. Additional classroom space is required to accommodate a proportion of this total intake.

6.3 The provision of a temporary single classroom on the site is considered by the applicant to be the best solution for the school at this time. The application is seeking a 7 years temporary planning permission. However, it is considered that a 5 years permission is more appropriate for a temporary structure of this type and in this location on the site. Because of siting implications, it is unlikely that a longer consent would be recommended and an informative has been added to the recommendation advising the applicant of this. It is understood that the applicant will continue to review the long term need for permanent accommodation in schools that are experiencing demand for additional places in order to reduce the need for temporary solutions.

### **Siting, design and landscaping**

6.4 Saved Policy ST3 in the adopted Lewes District Local Plan 2003 sets out a range of considerations to which regard must be given in determining planning applications in relation to the form of development.

6.5 The siting of the building in front of the school has been driven by operational needs, as it will serve the Reception class that is taught in the front part of the School. The play area in front of the school building also serves this group. The siting of the temporary classroom is not ideal in terms of visual amenity as the building will be visible from the public realm above the hedge and in oblique views from across Millberg Road. However, it is recognised that there are permanent lightweight canopies in front of the school which are 4.5m high and which can be seen above the boundary hedge, as well as various smaller ancillary structures in the Reception play area.

6.6 In terms of design, the building is a standard ESCC temporary classroom, of simple and functional design.

6.7 It is considered that any visual harm caused by the siting of the building in front of the school building is mitigated to some extent by the screening afforded by the hedge and the presence of other structures. This dis-benefit is outweighed by the need for additional school accommodation. It is also acknowledged that the building is required for a temporary period. A permanent free-standing structure in such a prominent location is unlikely to be supported.

6.8 Minimal hard landscaping works are required to facilitate the development. A tarmac path will be formed linking the existing Reception playground with the ramp and steps. Although the proposal would result on the loss of this grassed play area, there is ample play space on the site.

6.9 The site and surrounding area are of moderate landscape/townscape character sensitivity as a typical 20th century suburban residential area. The most significant landscape features on the site are the mature trees and the beech hedge on the boundary. The site is not considered to be a valued landscape in the context of NPPF policy. The site is of low visual sensitivity from the wider landscape and of moderate to high sensitivity from surrounding residential properties. There are local views across the school site from the adjacent properties.

6.10 The proposed mobile will be located very close to and probably within the root protection area of the adjacent mature tree. Tree protection measures in accordance with BS 5837; 2012 should be in place before any construction works commence on site. The developer should be required to provide full details of all service runs as part of the application. Details of the proposed construction access and haul routes should also be provided as these can impact on landscape features, in this case the boundary hedge and mature tree. All proposals should comply with BS5837:2012 Trees in Relation to Demolition, Design and Construction.

6.11 There are no sites designated for their nature conservation interest that are likely to be impacted by the proposed development. The site currently comprises amenity grassland and is of relatively low ecological value. The site is unlikely to support any protected species. If protected species are

encountered during works, work should stop and advice should be sought from a suitably qualified and experienced ecologist on how to proceed. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act. Opportunities include the provision of bird boxes on mature trees on site. Provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity.

6.12 In terms of siting, design and landscape, it is considered that the development overall accords with Saved Policy ST3 of the Lewes District Local Plan 2003.

### **Access for people with disabilities**

6.13 Although there are no specific policies in the Lewes District Plan governing this issue, access to the building is covered by the Building Regulations. Where the measures required to meet the Building Regulations have a physical manifestation, it is appropriate to consider it under Planning legislation.

6.14 As with most standard temporary classrooms, the entrance is raised above ground level. A ramp set out to Building Regulation standards is to be provided as the main access which should be appropriate for access for people with mobility difficulties.

### **Amenity**

6.15 Saved Policy ST3 of the Lewes District Local Plan 2003 requires that consideration be given to the protection of the living conditions of existing and future occupiers of a development, with particular respect to noise, dominance, loss of outlook, light and privacy.

6.16 The proposed classroom will be 40 metres from away from the nearest property to property to the east and 25 metres away from the nearest property to the south. Therefore, no detrimental daylight/sunlight or privacy issues will arise.

6.17 However, the proposed air conditioning units could lead to a noise nuisance outside of school hours. In order to avoid this, it is recommended that the use of the air conditioning units is restricted to school hours by a proposed condition.

6.18 With the recommended condition, it is considered that the proposal will not lead to a loss of amenity for adjoining and nearby residential occupiers.

### **Waste minimisation**

6.19 Policy WMP3d of the Waste and Minerals Plan 2013 seeks to ensure that the waste hierarchy is taken into consideration during construction works and encourages those involved in the development process to minimise and 'design out' waste.



6.20 A Waste Minimisation Plan was not included with the application. However, it is anticipated that an existing temporary classroom will be relocated to the site, so the construction waste generation is likely to be minimal.

### **Parking & traffic generation**

6.21 Saved Policy T1 of the Lewes District Local Plan 2003 states that planning applications for any development will only be granted if the proposal provides for the demand for access that it creates. Although the Highways Authority has not objected to the proposal, two of the residents in Millberg Road have raised concerns about the potential increase in short-term parking and impact on traffic movements that could arise as a result of the increase in pupils at the school. One of the residents has also requested that the Highway Authority look into the possibility of a) making the current 'markings' enforceable) and b) installing enforceable double yellow lines around the corners of the junction of Millberg Road and Hillside Avenue/Walmer Road (to the east of the application site).

6.22 It is understood that the Parking Team will be carrying out a review of school road markings in Seaford, commencing later this year. Also, the request for lining at the junction has been forwarded to the Team for consideration.

6.23 In addition, it is considered that the School updates its Travel Plan to take into account the additional pupils, and an appropriate condition to this effect should be imposed.

6.24 It is considered that, within the confines of the current planning application, these measures will go some way to address the concerns raised by the residents.

## **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 much needed additional accommodation. However, the classroom is proposed to be located in front of the school building. On balance given the mitigation of existing screening and other factors, it is considered that the proposal is acceptable for a temporary period. As such it is considered to comply with Saved Policies ST3 (a), (b), (c) & (d), (design, form and setting of development) and T1 (Travel Demand Management) of the Lewes District Local Plan 2003, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and the relevant parts of the NPPF. The applicant should monitor the school roll and if a

permanent need is identified, a permanent building should be provided in an alternative location.

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) (Amendment No. 2) Order 2012.

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

## **8. Recommendation**

8.1 To recommend the Planning Committee to grant planning permission 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 plans listed in the Schedule of Approved Plans.

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

3. The temporary building hereby permitted shall by 31st August 2020 be removed and the land restored to its former physical state of an area of tarmac and planted area 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 appearance of development is only considered appropriate for a temporary period.

4. No development shall take place until full details of measures to protect the tree and boundary hedge to the south of the proposed location of the temporary classroom have been submitted to and approved in writing by the Director of Communities, Economy and Transport and these works shall be carried out as approved. Such details shall be in accordance with BS5837:2012 and shall also include a drawing showing the location of the service runs for water, foul water and electricity supplies.

Reason: In order to protect the tree in the interest of visual amenity in accordance with Save Policy ST3 of the Lewes District Local Plan 2003.

5. Within 2 months of the occupation of the temporary classroom hereby approved, a bird box of the type set out in email correspondence between the agent and the County Council dated 10th June 2015 shall be fixed in a location to be agreed in writing by the Director of Communities, Economy and Transport. The bird box shall be retained in perpetuity unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In the interest of encouraging biodiversity on the site in accordance with paragraph 109 of the NPPF.

6. Prior to the date six months from first occupation of the temporary classroom hereby approved, an updated School Travel Plan which addresses the increase in pupil and staff numbers accommodated by that temporary classroom shall be submitted to and approved in writing by the Director of Communities, Economy, and Transport. The School Travel Plan shall include targets for reduced car use, and an ongoing monitoring programme to ensure these targets are met. The updated School Travel Plan shall be implemented and thereafter maintained and/or developed in accordance with the approved details.

Reason: To increase awareness and use of alternative modes of transport for school journeys and reduce congestion at school delivery and collection times in accordance with Saved Policy TR1 of the Lewes Local Plan 2003.

7. The two air conditioning units hereby approved shall only be operated between the hours of 0730 and 1730 on Mondays to Fridays, inclusive, during term times and at no other times, in the evenings, weekends, Bank or Public Holidays except for works of essential maintenance or which are to respond to an emergency, frost control or as otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In order to protect the amenity of adjoining residential occupiers in accordance with Saved Policy ST3 of the Lewes Local Plan 2003

## INFORMATIVE

1. The retention of this mobile classroom is unlikely to be granted planning permission for a further temporary period unless a review is undertaken which clearly indicates how this temporary accommodation can be replaced with permanent buildings within an acceptable timescale.

## Schedule of Approved Plans

8806/01b - Site Plan, 8806/02b - Part Existing Site Plan, 8806/03b - Site Plan Proposed, 8806/04b - Ground Floor Plan, 8806/05b - Exterior Elevations South and East, 8806/06b - Exterior Elevations - North and West

RUPERT CLUBB  
Director of Communities, Economy and Transport  
16 June 2015

**BACKGROUND DOCUMENTS**

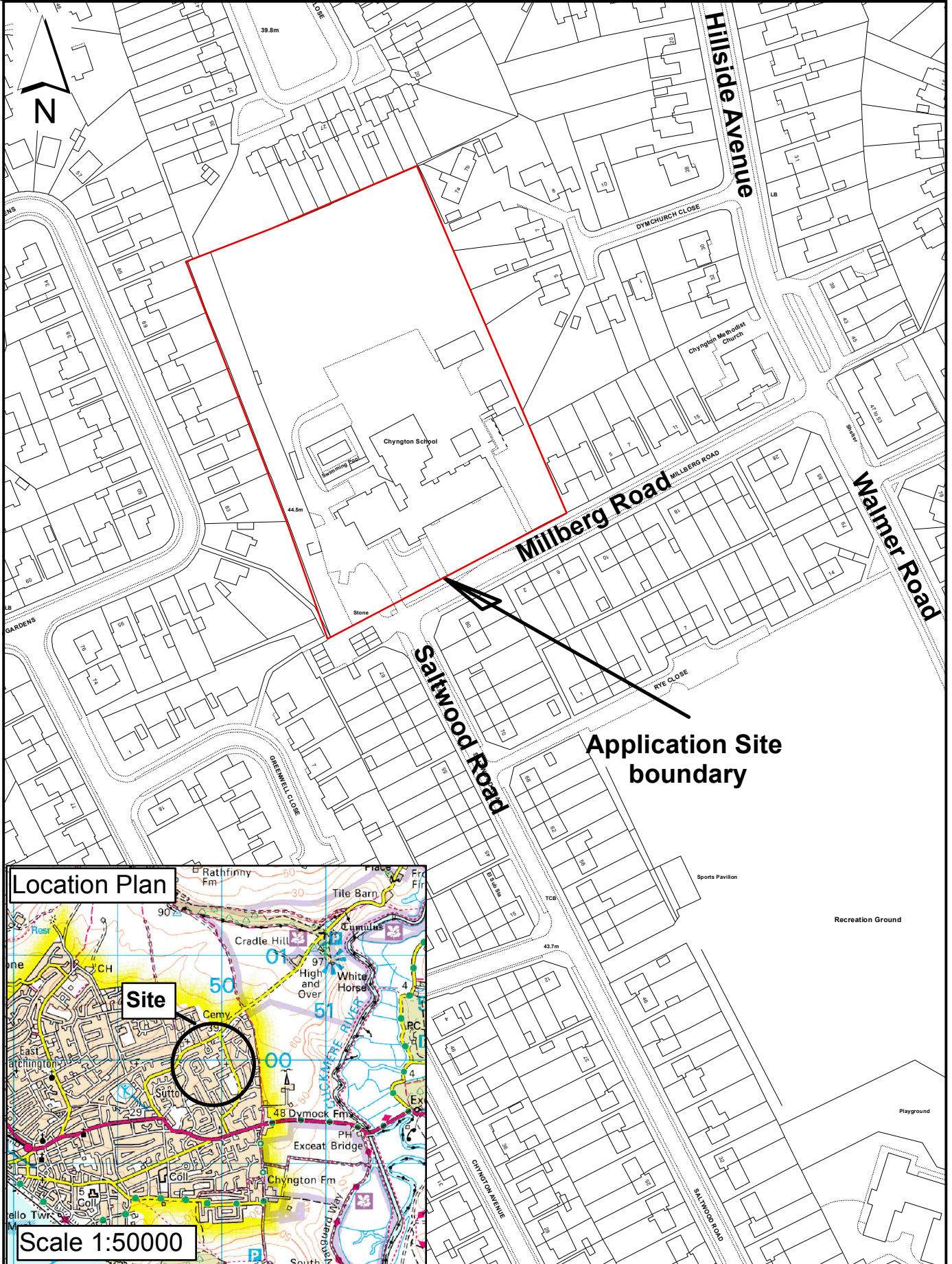
Lewes District Local Plan 2003

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

National Planning Policy Framework

Planning Application file LW/3257/CC

# LW/3257/CC Chyngton School, Millberg Road, Seaford.



**Application Site boundary**

**Location Plan**

**Site**

**Scale 1:50,000**

**Scale 1:2,000**

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

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Committee: **Regulatory  
Planning Committee**

Date: **24 June 2015**

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

Proposal: **Proposed manege for exercising horses and formed on raised level area from imported inert waste material (soil, crushed concrete and brick).**

Site Address: **Kilwood Farm, Potmans Lane, Catsfield  
East Sussex, TN39 5JL**

Applicant: **Mr G. Verity**

Application No. **WD/752/CM**

Key Issues:           (i)     **Need for the development**  
                         (ii)     **Effect on landscape & Ancient Woodland**  
                         (iii) **Effect on amenity**  
                         (iv)     **Traffic considerations**

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

Local Member: **Councillors Bentley, Field and Keeley**

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## **SUMMARY OF RECOMMENDATIONS**

**1. The Committee is recommended to refuse planning permission for the reasons set out in paragraph 8.1 of this report.**

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

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

1.1 The application site is at Kilwood Farm, Potmans Lane, Catsfield, and is approximately 0.4ha in area. It comprises part of a grassed field, which is used for grazing and slopes down, southwards, into a small wooded valley, which is bordered by a stream. The woodland forms part of Kiln Wood, which is Ancient Woodland. The application site adjoins existing barns and fodder storage areas and a track provides access into the Farm from Potmans Lane, about 280 metres to the south. The local landscape is characterised by scattered ponds, hedgerows, woodland and mature trees, although overhead power lines traverse the site.

1.2 Kilnwood Farm is in close proximity to other farms in the surrounding area, including Messens Farm, which is located to the south-west. Residential properties are present along the southern part of Potmans Lane with occasional properties beyond Messens Farm to the north. The access to Kilnwood Farm off Potmans Lane is approximately 700 metres to the north of the A269. Although the proposed site of the manege lies within the administrative area of Wealden District Council, part of the access to the Farm off Potmans Lane falls within the administrative area of Rother District Council.

## **2. The Proposal**

2.1 The proposal is to import waste soils and inert materials (such as crushed concrete and brick) to build up land levels on the application site to accommodate a level area for a manege. The applicant anticipates that the volume of material required would be about 3,000 cubic metres once compacted, although further material would need to be imported to enable compaction to take place to this level. The manege would cover an area of 40 metres by 20 metres and would be used for the exercise and training of horses year round. A timber fence would be erected around the manege and the latter would be surfaced with recycled rubber. The banks of the new raised area of land would be grass seeded. The access track would also be improved with the importation of crushed concrete or planings.

2.2 The applicant considers that 400 vehicle loads would be required of 20 tonnes capacity over a 4-6 months period, which would involve 7-10 loads per day. Despite this, due to the nature of the access track, the applicant has stated that it would be likely that 15 tonnes grab lorries, or 10 tonnes load lorries, would be used for importation, which would be likely to require additional vehicle loads.

2.3 In addition, the applicant is seeking to secure land on the north-west side of the proposed manege for the development of future stables, including the installation of steps cut into a bank, an access area and a parking space for a horsebox. It appears that the applicant envisages that the stables would be constructed at the same topographical level as existing barns to the north-west, which would require the backfilling of land on the existing slope and the securing of the backfilled material by a retaining wall. However, these works are not specifically included as part of the current proposal. Although the future development of the stables and associated works is something which the applicant has stated would be a matter for the District Council to determine, the applicant has still included the affected area within the current application site.

## **3. Site History**

3.1 In April 2014, the applicant submitted a planning application at Kilnwood Farm (ref. WD/730/CM) for a similar, albeit larger, proposal on the same field for the construction of a manege. However, the applicant withdrew the application in the following month.



#### **4. Consultations and Representations**

4.1 Wealden District Council raises no objections subject to the County Council being satisfied that the justification for not pursuing a cut and fill operation in the application is sufficient to justify a land raising solution and that the visual impacts from waste importation (if justified) are not of sufficient harm to warrant refusal of the application and that the traffic impacts from the waste importation are acceptable to the Highway Authority. If permission is granted, controls are recommended, regarding floodlighting, delivery times and the protection of the Ancient Woodland and watercourse.

4.2 Rother District Council raises no objections subject to: (i) Heavy goods vehicles associated with the construction should only approach the site from, and exit in, a southerly direction; (ii) The Highway Authority should be consulted; (iii) A condition should be included prohibiting any external lighting; & (iv) The County Council should consider the responses from the public and Parish Council.

4.3 Catsfield Parish Council raises no objections, although concerns are raised regarding: (i) The number of traffic movements over the period of several months; the provision of a traffic management plan should take into consideration the narrowness of Potmans Lane; & (ii) The context of the waste material – would there be adequate controls at the receiving site to ensure that the waste material is totally inert?

4.4 Ninfield Parish Council recommends refusal. There appears to be nothing different in this application compared to the one previously submitted, aside the reduced importation of waste. However, the Parish Council would question this as history shows that the importation of waste into Messens Farm had been greater than specified in the original application. There is nothing to support that any manege created at this farm would need to be positioned to require waste filling. If granted permission, it would result in another application requiring a large number of lorry movements and the associated problems that go with it. Concerns are also raised regarding the effects on the Ancient Woodland, stream and local landscape character.

4.5 The Highway Authority raises no objection, subject to the reconstruction of the vehicular access and/or provision of a passing bay. This is because the existing access is in a poor state of repair and has insufficient width to accommodate two-way traffic when large vehicles are involved. It is also noted that the access track within the site narrows quickly with no opportunities for vehicles to pass for a significant distance. Due to the width of the access, there are concerns that vehicles delivering materials will be forced to wait within the carriageway on occasions when they meet an exiting vehicle at the junction with Potmans Lane.

4.6 The Environment Agency has not submitted any observations.

4.7 Representations: Six local residents have raised objections and/or concerns on the proposal, which can be summarised as follows: (i) The lorry loads will be in addition to loads required at the neighbouring Messens Farm and from a solar farm development along Potmans Lane, which is narrow. Lorries are unable to pass each other, other than on the verge or footway; (ii) Damage to Potmans Lane has taken place as a result of lorry movements and the number of proposed deliveries is approximate only; (iii) There would be more disturbance to residents through increased traffic flow, noise, dust and damage to road infrastructure and risks to pedestrians, cyclists and horse riders; (iv) The proposal is only a money making exercise and any further granting of proposals should wait until the Messens Farm development is completed; (v) There must be a time when the construction of maneges reaches saturation point if that is the true objective for the importation of the huge amounts of 'inert' waste being tipped; (vi) Experience from Messens Farm has shown that the County Council does not have the power/resources to closely monitor the situation and that it would not be possible to monitor the quantity or quality of the infill even if a limit were imposed; (vii) The area of the development benefits from natural springs which run into the stream in the Ancient Woodland valley, then into Watermill Stream and onto the Combe Haven SSSI, and there is concern that material could end up in the watercourses; & (viii) There is concern over the lasting effect of the development on the environment.

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

5.1 The East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Turning waste into a resource); WMP8b (Deposit of inert waste on land for beneficial uses); WMP25 (General amenity); WMP26 (Traffic impacts); & WMP27b (Environmental enhancement).

5.2 Wealden Local Plan 1998: Saved Policies: EN8 (Low Weald); EN13 (Ancient semi-natural woodland); EN27 (Layout & design of development); TR10 (Heavy goods vehicles in rural areas).

Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the NPPF. However, the Saved Policies are considered by the County Planning Authority to be in general conformity with the overarching principles of the NPPF.

## 5.3 Wealden District (incorporating part of the South Downs National Park) Local Development Framework, Core Strategy – February 2013

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted on 19 February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. The Core Strategy Local Plan only replaces parts of the Wealden Local Plan 1998. Some policies

from this earlier plan are still “saved” where they remain of relevance and until they are superseded by further Development Plan documents.

#### 5.4 Rother District Local Plan 2006

Saved Policies in the Rother District Local Plan 2006 will continue to be used to determine planning applications alongside the NPPF where they have not been superseded by policies in the Rother District Local Plan Core Strategy 2014.

#### 5.5 The National Planning Policy Framework (NPPF) 2012

The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. It does not contain specific waste policies but regard should be had to NPPF policies so far as relevant. Part 11 (Conserving and enhancing the natural environment) is relevant in this case.

#### 5.6 The National Planning Policy for Waste (NPPW) 2014

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

## **6. Considerations**

### **Introduction**

6.1 Reference is made in the representations to development at Messens Farm, which is situated to the south west of Kilnwood Farm. For the benefit of understanding these references, in 2012, the County Council granted planning permission for a development involving the raising of ground levels with waste materials to form a manege (ref. WD/689/CM). In the following year, a further permission was granted to regularise over tipping at the site to enable the manege development to be suitably landscaped (ref. WD/720/CM). Each case should be determined on its merits and different circumstances can exist at separate locations.

### **Need for the development**

6.2 Policy WMP3b of the Waste and Minerals Plan requires that proposals involving waste development should demonstrate that they will contribute to the implementation of the waste hierarchy by indicating how the waste could be managed in the priority order of the hierarchy.

6.3 Policy WMP8b of the Waste and Minerals Plan permits the deposit of inert waste on land for beneficial uses where it is demonstrated that the proposal (a) conforms with Policy WMP8a (under this Policy, it should (a) accord with the waste hierarchy; (c) not pose an unacceptable risk to the

environment, including landscape character; & (d) demonstrate that it will not give rise to unacceptable implications for communities through adverse impacts on amenity or highway infrastructure); and (b) is an engineering operation such as that which forms part of a comprehensive scheme for restoration of suitable previously developed land; or (c) significantly enhances other development or its setting; or (d) would result in appropriate measurable improvement to the use or operation of agricultural and/or forestry land; and (e) the resulting final landform, landscape and after use enhances the environment and is sympathetic to the land uses, landscape visual amenity and nature conservation interests of the site and the surrounding area, including its landscape character; and the minimum volume of inert material is used to achieve necessary improvements.

6.4 The applicant states that alternative sites had been considered at the Farm to accommodate the proposal but that the application site is the best site, as it is considered to be the least productive area of land, excluding the woodland areas. The applicant also refers to the existing buildings and storage areas being on, generally, the only level area of land adjacent to the access track.

6.5 It is considered that the application site accommodates a robust grass sward that allows grazing to take place, whereas other land both to the west and east of the access track does not appear to be as productive in agricultural terms, as the land is used for storage or for purposes which have led to its degradation. Moreover, some of this land is reasonably level and would offer a potentially more suitable location for a manege, particularly as it would not require the importation of waste materials for construction. Therefore, it is not considered that the application site is a suitable location on the Farm to provide a level area for a manege. Moreover, it also appears that the application site is not the least productive part of the Farm when compared to other areas, as it benefits from a grass sward, which is capable of being grazed, whereas other locations at the Farm appear not to benefit in this way.

6.6 Although there would appear to be suitable, alternative locations at the Farm to accommodate the proposal, which would negate the need to import waste materials, the applicant proposes instead to import a substantial volume of waste soils and other inert materials to raise land levels. The applicant has not demonstrated that there is a justifiable need for the importation of waste to the site and that its use would contribute to the implementation of the waste hierarchy. Consequently, the proposal conflicts with Policy WMP3b of the Waste and Minerals Plan.

6.7 While Policy WMP8b of the Waste and Minerals Plan allows for the deposit of inert waste on land where it can be demonstrated that it is for beneficial purposes, the applicant has not demonstrated what these benefits might be with reference to this Policy. As noted above, the development does not accord with the requirements of the waste hierarchy. It will also pose an unacceptable risk to the environment, due to adverse effects on landscape character and Kiln Wood, and has not demonstrated that there would be no

unacceptable implications regarding effects to amenity and to highway infrastructure. Furthermore, the proposal is not an engineering operation which forms part of a comprehensive scheme for restoration on suitable previously developed land. It would neither significantly enhance other development, nor would it result in appropriate measurable improvement to the use or operation of agricultural and/or forestry land. Moreover, the resulting final landform, landscape and after use would not enhance the environment or be sympathetic to the landscape and nature conservation interests of the site and the surrounding area, including landscape character.

6.8 Matters such as landscape character and amenity are covered in more detail below but it is considered that the submitted proposal is unable to demonstrate that it would be acceptable in terms of managing waste in accordance with the waste hierarchy and in providing benefits to land through waste deposition, thereby conflicting with Policy WMP8b of the Waste and Minerals Plan.

### **Effect on landscape & Ancient Woodland**

6.9 Kilnwood Farm is located in the Low Weald countryside. Saved Policy EN8 of the Wealden Local Plan seeks to conserve the low rolling agricultural character of the landscape. Saved Policy EN13 of the Wealden Local Plan, Policy WMP27b of the Waste and Minerals Plan and Part 11 of the NPPF all seek to protect Ancient Woodland.

6.10 The site provides the setting for an agricultural complex with some remnants of the historic landscape and field structure being present. The local landscape is characterised by scattered ponds, hedgerows, woodland and mature trees. The application site is bounded on the south side by a stream and an area of Ancient Woodland, known as Kiln Wood. The proposed access to the site is via an existing narrow and unsurfaced track which passes through Kiln Wood. The character of this woodland is typical of Low Weald woodland with mature coppice stalls, a rich ground flora and scattered mature oak trees.

6.11 The proposed final landform of the manege would be discordant with the landscape and would conflict with the natural contours on the edge of the slope. The proposed construction would extend out into the steepest part of the slope. The final landform will have an adverse effect on the character of the natural topography of the site and local landscape character. Moreover, the proposed improvement to the existing track through Kiln Wood would have an urbanising adverse effect on the informal character of this currently unsurfaced woodland track, which would be likely to adversely affect the woodland through overspill of surface materials and compaction. Moreover, the use of the track by lorries during the construction period would be likely to lead to tree damage and compaction to the roots.

6.12 The proposal would have an adverse effect on the local landscape, which would be significant in the local context, a matter which Ninfield Parish Council has also noted. There are several potential alternative locations for

the development, which would have a minor effect on the local landscape character and would not require the importation of waste materials. The proposal would not conserve the low rolling agricultural character of the landscape, nor would it ensure the protection of Kiln Wood, thereby conflicting with Saved Policies EN8 and EN13 of the Wealden Local Plan, Policy WMP27b of the Waste and Minerals Plan and Part 11 of the NPPF.

### **Effect on amenity**

6.13 Policy WMP25 of the Waste and Minerals Plan requires that proposals should, inter alia, have no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development, including transport links. Saved Policy EN27 of the Wealden Local Plan requires, inter alia, that the scale, form and design of development and the use of the materials and landscaping should respect the character of adjoining development. Moreover, the proposed development should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of scale, height, form, noise and traffic movements.

6.14 Local residents and Ninfield Parish Council have raised concerns regarding the use of Potmans Lane by lorries and the associated adverse effects to the amenity of those living in, and using, the Lane through noise, dust and damage to the highway. It appears that other, recent development along Potmans Lane has resulted in disturbance to residents and it is considered by the residents that this current proposal will prolong disturbance and adverse effects to amenity.

6.15 Although the Highway Authority has not raised an objection regarding the use of Potmans Lane by lorries, all vehicles wishing to access Potmans Lane from the A269 must pass the residential area at the southern end of the Lane. Further development requiring the use of lorries importing waste in this rural location could result in some adverse effect on residential amenity and the amenity of other users of the Lane. Despite this, the use of lorries would be for a temporary period only and consequently, it would be difficult to identify it as a reason to justify for refusal.

### **Traffic considerations**

6.16 Policy WMP26 of the Waste and Minerals Plan requires, inter alia, that access arrangements are appropriate or could be made suitable for the volume and nature of traffic generated by the proposal, and that there would be no unacceptable safety hazards for other road users, including cyclists and pedestrians, and that there would be suitable arrangements for on site manoeuvring, parking and loading/unloading areas. Saved Policy TR10 of the Wealden Local Plan seeks to control the movement of heavy goods vehicles within the District by resisting development proposals which would have a detrimental impact on the environment by reason of a material increase in the

generation and attraction of heavy goods vehicles within villages and along unsuitable country roads.

6.17 The Highway Authority considers that the existing access serving the site is in a poor state of repair and has insufficient width to accommodate two-way traffic when vehicles larger than a standard size car are involved. The access track within the site also narrows quickly with no opportunities for vehicles to pass for a significant distance. Due to the width of the access, there is concern that vehicles delivering materials to the site will be forced to wait at the carriageway on occasions when they meet an exiting vehicle at the junction with Potmans Lane. As lorries are also unable to pass within the site, there is also a likelihood that vehicles will be required to reverse back out of the access track and onto the carriageway when meeting a vehicle head on. To satisfy the Highway Authority, the vehicular access would have to be reconstructed with the width increased or, in the event that the site access cannot be widened sufficiently, a passing bay should be provided a short distance into the site as close to the junction with Potmans Lane as possible.

6.18 Although access to the site off Potmans Lane is deficient, conditions could be applied, if planning permission is granted, to require the necessary works to be carried out before the commencement of development. Therefore, the imposition of appropriate conditions would enable the access arrangements to be made acceptable, which would comply with Policy WMP26 of the Waste and Minerals Plan.

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

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 the importation of inert waste materials to raise land levels to accommodate a level manege for the exercise of horses. However, the applicant has also included land within the application site on which he intends to seek permission for other development but which has not been included in this proposal.

7.3 The applicant considers that the application site represents the best location for the development at the Farm, as he considers it to be the least productive agriculturally. However, it appears that not only is the site for the manege more productive, in agricultural terms, than other parts of the Farm but that the Farm benefits from other, more level land which would, in principle, be more suitable for a manege. Consequently, there is not a justifiable need for the importation of waste to construct a manege. The development as submitted does not accord with the requirements of the waste hierarchy and is unable to demonstrate how the land would benefit from the deposit of waste. As such, the proposal conflicts with Policies WMP3b and WMP8b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7.4 The proposal would adversely affect the local landscape character of the Low Weald and the development would be discordant with the natural contours of the land. The proposed improvements to the access track through Kiln Wood, together with its increased use by heavy goods vehicles, would be likely to adversely affect the interests of the Ancient Woodland. Consequently, there would be a conflict with Saved Policies EN8 and EN13 of the Wealden Local Plan 1998, Policy WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Part 11 of the NPPF.

7.5 In taking all matters into account, the proposed development is not considered to be acceptable and is recommended for refusal of planning permission.

7.6 In determining this planning application, the County Council has worked with the agent and sought views from consultees and neighbours, which have been considered in the preparation of 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.

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

## **8. Recommendation**

8.1 To recommend the Planning Committee to refuse planning permission for the following reasons:

1. The proposed development could be located at an alternative site within Kilnwood Farm, thereby negating the need for the importation of a substantial volume of inert waste materials. The use of such materials would not accord with the principles of the waste hierarchy, thereby conflicting with Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.
2. The importation of inert waste materials to facilitate the construction of a manege would not be of benefit to the land and would conflict with the requirements of Policy WMP8b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.
3. The proposed development would result in an adverse effect to the character of the natural topography of the landscape in the Low Weald, which would be significant in the local context, and would conflict with Saved Policy EN8 of the Wealden Local Plan 1998.
4. The proposed surfacing of the access track through Kiln Wood and the increased use of the track by heavy goods vehicles to facilitate the development would be detrimental to the interests of the Ancient Woodland, thereby conflicting with Saved Policy EN13 of the Wealden



Local Plan 1998, Policy WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Part 11 of the National Planning Policy Framework 2012.

RUPERT CLUBB

Director of Communities, Economy and Transport

16 June 2015

**BACKGROUND DOCUMENTS**

Withdrawn planning application WD/730/CM

Application file WD/752/CM

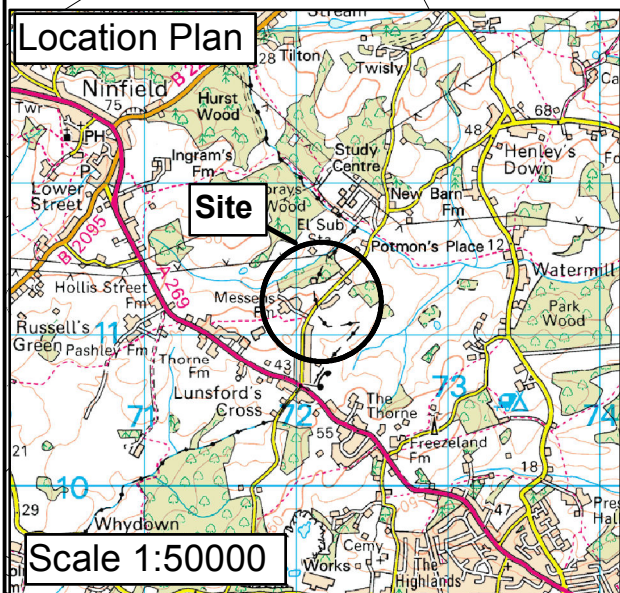
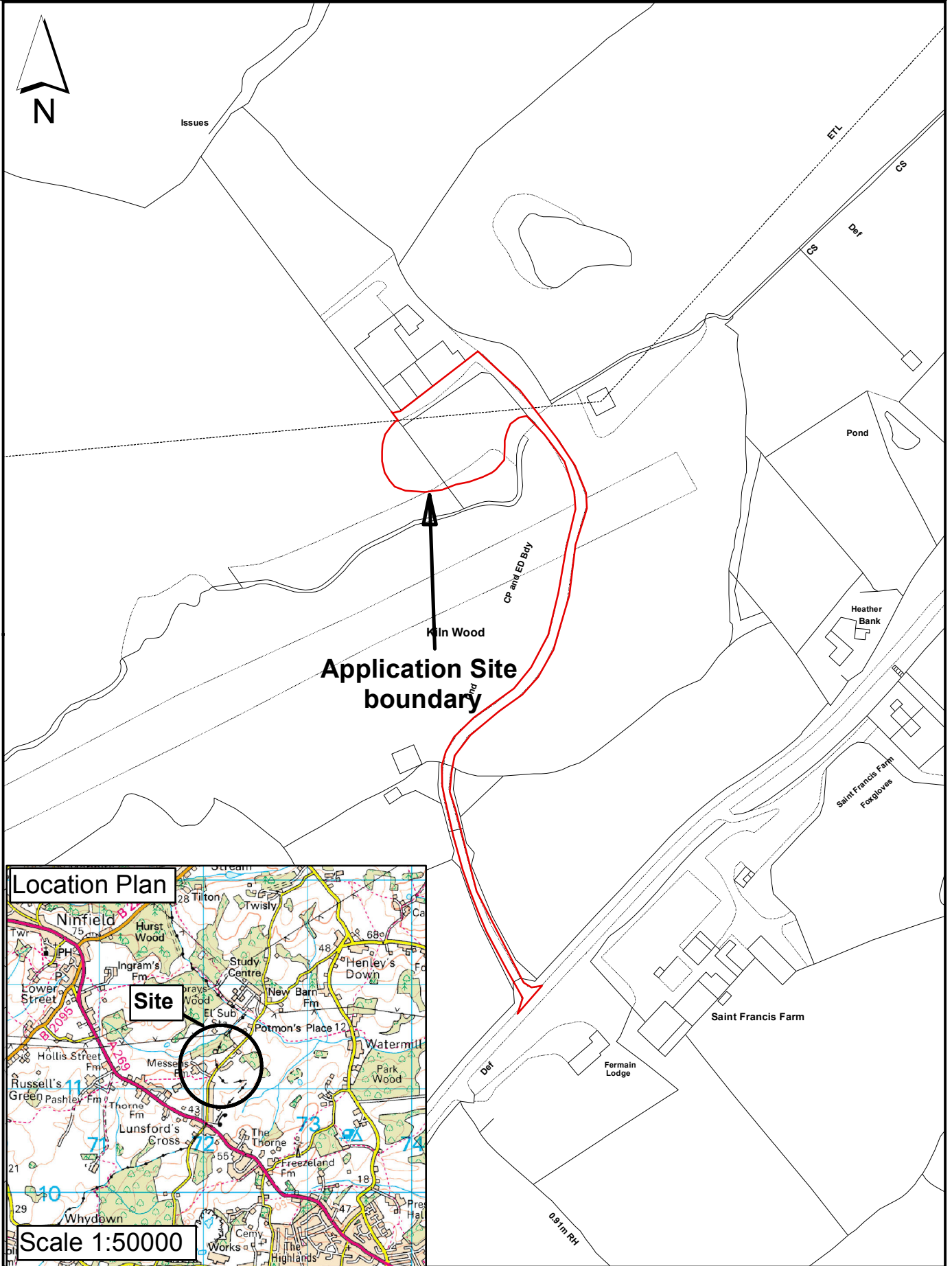
Planning permissions WD/689/CM & WD/720/CM

The Development Plan

NPPF & NPPW

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# WD/752/CM Kilnwood Farm, Potmans Lane, Catsfield.



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Director of Communities,  
Economy and Transport  
East Sussex County Council

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Committee: **Regulatory  
Planning Committee**

Date: **24 June 2015**

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

Proposal: **Change of use of the existing industrial units to a  
Materials Recycling Facility (MRF) with External  
Ancillary Works.**

Site Address: **Units 2A & 2B, Birch Close, Eastbourne, BN23 6NY.**

Applicant: **Mr Daniel Stone, Links Waste Management Ltd**

Application No. **EB/751/CM**

Key Issues: **Consideration of proposal and submitted changes**

Contact Officer: **Chris Flavin - 01273 481833**

Local Member: **Councillor David Tutt**

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## **SUMMARY OF RECOMMENDATIONS**

- 1. To consider the changes to the proposal and additional information submitted; and**
  - 2. Grant planning permission subject to conditions as indicated in paragraph 6.1 of this report.**
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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT**

### **1. Introduction**

1.1 The application for the change of use of Units 2A and 2B, Birch Close, Eastbourne (EB/751/CM) was first considered by the Planning Committee at its meeting on 20 May 2015. A copy of the Report to that Committee is attached as Appendix 1. A motion to grant approval of the proposal as then submitted was lost. The Committee resolved to defer determination of the planning application to allow officers an opportunity to consult with the applicant and partner enforcement authorities regarding the suitability of the building in relation to the dust management plan, and to consider options for the determination of the planning application and to advise the Planning Committee further on these matters.

1.2 This report is to inform the Committee of progress on these matters and the changes that have been made to the proposal and to provide an update on the Applicant's progress with regard to an Environmental Permit for operations at the site. This report should be read in conjunction with the original report. Additional information that has been submitted and a larger set of photographs have been added to the Additional Information Booklet.

## **2. Amendments to the proposal and additional information**

2.1 In response to the concerns raised by Members of the Planning Committee and occupiers of nearby premises, the applicant has made some changes to the proposed development and also submitted additional information. The changes include:

### Revised site layout and operational arrangements

- The front roller shutter doors are to remain shut during operations, except when waste is to be removed from the building;
- Operations within the building have been reoriented and access/egress for vehicles delivering waste to the site is now restricted to the side door only; and
- Installation of a dust extraction system and utilisation of existing ventilation fans.

### Revised sleeper wall arrangements

- As a result of the front roller shutter doors now remaining closed except for waste removal, the 3.6m sleeper wall proposed at the front of the site is no longer required as an acoustic barrier and has been removed from the proposal;
- Due to the proposed change in operations, the sleeper wall to the side/rear of the building has been reduced in height from 3.6m to 3.0m.

### Environmental Permit

A Standard Rules Permit for waste operations at the site has now been granted by the Environment Agency (EA) and an advice note providing an explanation of the EA Permitting process, and a detailed response to the site dust management and control procedures, has been submitted as additional information.

## **3. Additional consultations and representations**

3.1 Following receipt of the additional information and revised operational arrangements, a further consultation was undertaken.

3.2 Local Representations – One representation was received during this consultation, from one of the neighbouring businesses. The comments can be summarised as follows:

- Noise disturbance will be a problem despite the proposed change to 'work flow'. The proposed change will not reduce the noise levels

produced as in practice the doors will be likely to be opened and closed on a regular basis throughout the day;

- The applicant has gone ahead with the installation of equipment at the proposal site and has been operating since the beginning of June, and the position of the weighbridge installation is not in accordance with the proposed plans. The shutter doors at the front of the two units have been left open for periods of time (beyond that necessary for vehicle movements) on numerous occasions;
- Concerns that the existing extraction fans in the buildings that are proposed to be utilised have not been used for 12 years. In their previous use the fans extract direct to the atmosphere without any filtration. On two occasions during the week commencing 8<sup>th</sup> June staff reported a foul odour coming from the proposal site;
- The school is very close to the proposal site;
- Environment Agency has issued an Environmental Permit but they did not provide specific comments in response to consultation on the planning application;
- Would expect a site visit to be arranged so that Members could get an idea of the proximity of the local school, retirement home and adult centre;
- Queries why residents of St. Anthony's Retirement Home, the school and parents were not consulted; and
- It is unreasonable for businesses and others, to have to record incidents, gather evidence, raise issues and report complaints as they arise, for enforcement to then review and manage the situation.

3.3 No other responses to the consultation on the proposal and submitted changes have been received.

#### **4.1 Consideration of the proposal and submitted changes**

4.1 The Policy context for the proposal was set out and addressed in the original report at Sections 5 and throughout Section 6, and there have not been any changes to this. Therefore, the Policies previously identified should still be used in the determination of the planning application.

4.2 The main change to the proposal is to keep the two large roller shutter doors on the front of the building closed during operations. The only exception to this will be when HGV access is required to remove bulked up waste from within the building. Access to the building for all other vehicles will be via the side door only, which is on the side furthest away from the adjoining unit.

4.3 As a result of the change to keep the two front roller shutter doors shut during operations, further noise assessments have been undertaken. These have concluded that with the doors shut, noise levels from operations at the site will be lower than previously anticipated (when the doors were to have been left open). Consequently, there is no longer a need for an acoustic barrier (3.6m sleeper wall) on the boundary at the front of the site and this has been removed from the proposal. The removal of this sleeper wall from the proposal will ensure that there is no change to the open character and nature of the front of the site and surrounding area.

4.4 Furthermore, following the revised noise assessment, it is proposed to reduce the height of the remaining sleeper wall, to the rear and side of the building, from 3.6m to 3.0m. The reduction in height of the sleeper wall, and the removal of the sleeper wall at the front of the site, is welcomed and will reduce the visual impact of the development. There is a balance between providing acoustic mitigation and the visual impact such mitigation has on the surrounding area. However, with the proposed change to operations at the site, including access/egress to the building being from the side door, it is considered that a barrier of 3.0m will achieve the same level of acoustic protection and will also be more acceptable in visual terms.

4.5 Although the roller shutter doors will be closed for the majority of the time, the doors will be opened to allow HGVs access to the building to remove bulked up waste. The applicant anticipates this will occur only once per day. It is proposed that when the roller shutter doors are opened for this purpose, the trommel will not be used, thereby reducing noise levels from the site and also reducing the likelihood of dust escaping from the building. This method of operation would have to be secured by conditions attached to any grant of planning permission requiring the roller shutter doors to be kept shut when HGVs are not accessing the building, and also to prohibit the use of the trommel during times when the roller shutter doors are open.

4.6 In addition to noise being contained by the closure of the roller shutter doors, the proposed change will also help to contain dust and any other emissions escaping from the building. However, air circulation within the building will be prevented when the doors are shut, thus creating a potential health and safety issue for workers within the building. In order to overcome this, the applicant is now proposing to install a dust extraction system, and to also make use of existing ventilation fans. No details or specifications of a dust extraction system have been submitted and details would be required to be submitted for approval prior to the installation of any dust extraction system. As a further measure to contain any dust and debris, the applicant has confirmed that skips arriving at the site will be properly sheeted and waste contained.

4.7 An Environmental Permit for waste activities at the site has now been issued by the Environment Agency. The applicant has provided an Advice Note regarding the Environmental Permitting process, which includes details of how dust will be managed and controlled at the site. Although the Environmental Permit allows the storage of inert waste materials outside the



building, all waste operations, including loading and unloading waste, will take place inside the building. The only waste that will be stored outside the building will be baled waste in a designated storage area at the rear of the building. The management of waste in this manner will minimise the risk of dust being generated and escaping from the site, and also reduce noise when waste is unloaded. It is also considered this will result in no loss of visual amenity.

4.8 Overall, the proposed changes to the development and additional controls will have a beneficial and positive impact in terms of visual amenity, noise attenuation and the control of dust and emissions compared to the original proposal. They are considered to enhance the manner in which waste will be managed at the site, without causing unacceptable impacts on neighbouring units and the wider, surrounding area.

4.9 In terms of options for the determination of this application, there are three main ways forward:

- (a) The application could be approved subject to conditions. The application has been enhanced and further operational requirements have been introduced which makes the building even more suitable for the proposed operation as further dust control measures are proposed which will reduce the potential impact on the surrounding units, and other changes which will reduce noise impacts and visual implications. It is considered that the proposal accords with the adopted and emerging Development Plan, including Policies specifically referring to the location of proposed waste management facilities.
- (b) The application could be refused. Justifiable reasons would have to be identified. This would have to include how and why the proposal did not accord with Development Plan policies. If it was felt that the building was unsuitable, due reason would have to be shown as a clear policy direction exists that this type of building on this type of location is an acceptable change of use in principle. If it was felt that the noise or visual impact was unsuitable, due reason would have to be shown why these matters could not be covered by appropriate conditions. If the reasons for refusal were appealed and found to be unsustainable at a Public Inquiry, the Council could be faced with an application for costs related to this action.
- (c) The application could be approved for a temporary period to allow monitoring of the impacts to assess whether any potential dust or noise problems actually occurred. The applicant could similarly appeal against this course of action.

4.10 Officers consider that taking all matters into account, the proposed development as amended is acceptable in policy and operational terms. It is considered that a permanent permission could be granted subject to appropriate controls on dust, noise and traffic.

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

5.1 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.

5.2 The proposal is for the change of use of an existing industrial building to a waste management use. Additional measures to manage dust and noise have been introduced and the development is considered acceptable in waste management terms. The applicant's business would operate more efficiently on this site. The location of the site is considered appropriate for the proposed use in principle. Proposed conditions should ensure there is no unacceptable effect on amenity and traffic.

5.3 The proposal therefore complies with East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) Policies: WMP1 (sustainable development), WMP3b (waste hierarchy), WMP5 (Provision of Built Waste Facilities), WMP7a (sustainable locations for waste development), WMP7b (detailed criteria for waste development), WMP23A (Design Principles for Built Waste Facilities), WMP25 (amenity), WMP26 (transport), and Eastbourne Core Strategy Local Plan 2006-2027 Policy D2 (Economy).

5.4 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) (Amendment No. 2) Order 2012.

5.5 There are no other material considerations and the decision should be taken in accordance with the development plans.

## **6. Recommendation**

6.1 To recommend the Planning Committee to consider the changes to the proposal and additional information submitted and, to grant planning permission 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 plans listed in the Schedule of Approved Plans.

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

3. Within one month of the date of this permission, the sleeper walls shall be constructed in accordance with the following approved plans and details:

-Drawing plan titled 'Existing elevations and proposed acoustic barrier' (front and side elevations) dated 30/04/2015 (Ref. L02 Rev B)

-Drawing plan titled 'Existing elevations and proposed acoustic barrier section' (rear elevation) dated 06/05/2015 (Ref. L03 Rev B)

-Document titled 'Details of Acoustic Barrier Construction' dated 12/06/2015

-Approved plan L.01 Rev H 'Site Layout Plan' (dated 04/06/2015) and thereafter maintained for the life of development.

Reason: In order to mitigate noise disturbance and in the interests of protecting the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

4. No machinery shall be operated and no process shall be carried out other than between the hours of 07.00 and 19.00 on Mondays to Fridays inclusive and between 07.00 and 14.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays except of works for essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such works, full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Communities, Economy and Transport.

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

5. The following operations shall not take place on site other than between the hours of 07.30 and 17.30 on Mondays to Fridays inclusive and between 07.30 and 13.30 on Saturdays:
  - (a) the removal of waste and loading of vehicles
  - (b) any deliveries or importation of waste to the site, including unloading of vehicles
  - (c) the servicing or repair of any vehicle

except with the prior written consent of the Director of Communities, Economy and Transport.

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

6. The maximum number of vehicle movements (excluding staff and other car movements) associated with the permitted use of the site shall not exceed 54 movements per day (i.e. 27 in and 27 out per day)

Reason: In the interests of amenity and highway safety and to comply with Policies WMP25 (a) and WMP26 (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Within one month of the date of this permission, the car parking spaces indicated on the approved plan L.01 Rev H 'Site Layout Plan' (dated 04/06/2015) shall be marked out and installed and thereafter shall be kept available at all times for the parking and stationing of vehicles associated with Units 2a and 2b, and shall not be used for any other purpose.

Reason: To ensure the provision of appropriate vehicle parking for the use hereby permitted, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

8. The secure cycle storage room/building indicated on the approved plan L.01 Rev H 'Site Layout Plan' (dated 04/06/2015) shall be retained throughout the life of the development and shall be made available at all times for the parking and storage of staff and visitor bicycles.

Reason: To ensure the provision of appropriate cycle storage for the use hereby permitted, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

9. The turning space for vehicles as identified on approved drawing 'Site Layout Plan' L.01 Rev H (dated 04/06/2015) shall be retained for use as a turning space for vehicles and for no other use.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013

10. No storage container, skip, sorted or unsorted waste material or residue of recycled materials shall be stored outside the building other than wrapped or bound bales, which may be stored within the area identified as the 'Baled Waste Storage Area' on approved plan L.01 Rev H dated 04/06/2015 (that is the area to the southeast of the building).

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

11. Other than the moving of, setting down or loading of bales onto lorries (in accordance with the provisions of Condition 10 above), no sorting, treatment, loading or unloading of waste, recyclable materials or any other materials shall take place other than within the building.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

12. No bales shall be stacked or deposited to a height exceeding 2.4 metres, measured from ground level on the site.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

13. Notwithstanding the provisions of Part 7, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, plant or machinery shall be extended, altered or installed at the site (other than as expressly authorised by this permission).

Reason: To enable the County Planning Authority to control the future use of the site in order to protect the character and amenity of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

14. The rating level of the operational noise emitted from the site shall not exceed the background noise level at any time, as measured at Linden Court and St Anthony's Court and in accordance with BS 4142:2014.

Reason: In order to mitigate noise disturbance and in the interests of protecting the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

15. Within 3 months of the site becoming fully operational or within 6 months of the date of this permission (whichever is the sooner), a noise monitoring report shall be submitted in writing to the Director of Communities, Economy and Transport, to assess compliance with the above condition and, to outline and implement additional mitigation measures, if deemed necessary by the Director of Communities, Economy and Transport, to ensure compliance.

Reason: In order to mitigate noise disturbance and in the interests of protecting the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

16. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport, the roller shutter doors at the front of the building shall remain closed at all times, except when bulked up waste is being removed from the site by HGVs.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

17. The trommel or any other mechanical processing equipment shall not be in use or operation at any time when either of the roller shutter doors at the front of the building are open.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

18. Within 2 months of the date of this permission, full details of the Dust Extraction System to be installed shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved Dust Extraction System shall be installed within 1 month of its approval and maintained at all times in full working order in accordance with the manufacturer's instructions.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

#### Schedule of Approved Plans

P01 Rev D- Block Plan, Supporting Statement Rev 1, Dust Management Plan, Transport Statement dated March 2015, LWM BC Scheme Amendments v0.1 030615, LWM BC Site Layout Plan L.01 REVH 110615, LO3 Rev B Existing Elevations and proposed Acoustic Barrier Section, LO2 Rev B - Existing Elevations and proposed Acoustic Barrier , Details of Acoustic Barrier Construction 120615, Advice Note - LWM Birch Close Permitting v1.0 01.06.14

RUPERT CLUBB

Director of Communities, Economy and Transport  
16 June 2015

#### **BACKGROUND DOCUMENTS**

See Case File EB/751/CM

Committee: **Regulatory  
Planning Committee**

Date: **20 May 2015**

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

Proposal: **Change of use of the existing industrial units to a  
Materials Recycling Facility (MRF) with External  
Ancillary Works.**

Site Address: **Units 2A & 2B, Birch Close, Eastbourne, BN23 6NY.**

Applicant: **Mr Daniel Stone, Links Waste Management Ltd**

Application No. **EB/751/CM**

Key Issues: **Need for the development;  
Effects on amenity;  
Traffic impact**

Contact Officer: **Chris Flavin tel. 01273 481833**

Local Member: **Councillor David Tutt**

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## **SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report**

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

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

1.1 The application site is located at Birch Close on the eastern side of the Birch Road Industrial Estate, Eastbourne. Birch Rd is accessed from Lottbridge Drove (A2290) between the A22 and the A259.

1.2 The site comprises two of three adjoining industrial units with parking and a yard area at the front (north-west) and side (south-west) of the building, and a narrow yard area at the rear (south-east) of the building. The total internal floor space of the building covered by the proposal is 822m<sup>2</sup> (including offices and staff welfare facilities). The building has roller-shutter doors to each unit at the front (north-west) of the building, which are slightly set back from office areas, and staff welfare facility rooms which exist either side of these doors. On the south west side of the building near the far south

corner of the site is another roller-shutter door, which would be used by vehicles as the main entrance into the building. Also on the south west side of the building is a small extension building which would serve as a storage area for staff bicycles. The application site, which is 0.17ha in size is surrounded by other industrial unit buildings (including a car spray and car body repair centre and a book printing works). The site is located within Flood Zone 3a and 3b (within Tidal Zone).

1.3 The nearest residential properties to the application site are 100 metres away to the south east of the site at St Anthony's Court. To the north east of the application site, 75 metres away, is Tollgate Junior School and 115 metres away is Linden Court, a day centre facility for people with learning disabilities provided by East Sussex County Council.

## **2. The Proposal**

2.1 The proposal is for a change of use of the site and buildings from existing B2 industrial use to a Materials Recycling Facility (MRF) which would be used for receiving, processing, sorting, bulking and storage of a range of waste materials as collected by the applicants skip waste business.

2.2 The proposed operating hours of the MRF are 07.00 to 19.00 on Mondays to Fridays and 07.00 to 14.00 on Saturdays. Once operational, there would be 10 members of staff. The estimated number of daily movements for all waste related vehicles would be up to 54 movements (27 in and 27 out).

2.3 The proposed MRF is for a maximum annual throughput of approximately 40,000 tonnes, although the applicant has advised that based on their current projections the annual throughput would be below 30,000 tonnes. The waste materials to be processed would largely comprise of waste collected from the applicant's mini-skip business, but there would also be some additional import directly from local building and construction companies. The applicant currently operates the business from a site near Ninfield, which is being vacated, and the business serves an area comprising Bexhill, St Leonards, Hastings and Eastbourne.

2.4 As well as bringing waste on to the site using skip trucks and transit type tipper vehicles, there would also be importation of pre-bulked waste by HGV tipper lorries and roll on/roll off container lorries. The applicant also has a small industrial building at Brett Drive in Bexhill, and the intention would be for some waste to be brought there for bulking onto lorries before onward transport to the proposed site at Birch Close. At Birch Close the site processing and bulking will be confined to within the building. This is an alteration to the details originally submitted with the application.

2.5 The waste brought on to the site would comprise a range of materials: inert construction and demolition materials including hardcore, aggregate and soils; recyclable materials such as paper, card, metals, wood and mixed plastics; bulky waste including sofas and mattresses; and carpets and textile



waste. A large proportion of the materials are anticipated to be recycled and therefore diverted from landfill and transferred for reprocessing.

2.6 The proposed machinery would be a baler and a hopper (electric), an electric trommel; an electric blower; an electric picking line and conveyor; an electric magnet; two loaders (diesel) 'Bobcat' type or similar and a diesel powered 360 grab loader. There will be no parking of HGVs or skip trucks on the site and no storage of skips on the site, as the applicant will be keeping these overnight at their other site.

2.7 Although no physical changes to the external part of the actual building are proposed, a 3.6 metres high sleeper wall (acoustic barrier) has been proposed along parts of three sides of the perimeter boundary of the site, for noise mitigation purposes. At the front (north-west) of the site a 25 metres long section of sleeper wall (acoustic barrier) is proposed. From the south corner of the site a 19.5 metres long section of sleeper wall is proposed along the south west side of the site (opposite the side entrance roller-shutter door) and along the south-east corner (rear) of the building a 19.5 metres section is also proposed.

### **3. Site History**

3.1 The building was constructed as part of the Birch Road Industrial Estate between 1969 and 1971. The specific uses for Units 2A and 2B at Birch Close are not defined although the consent would have anticipated uses within 'Use Class B' (industrial, offices, storage & distribution).

3.2 It is understood that the units have previously been occupied by Eastbourne Coach Finishers, the company which currently occupies the neighbouring adjoining unit (Unit 2C) as well as Units 3A and 3B of Birch Close.

### **4. Consultations and Representations**

4.1 Eastbourne Borough Council – raises no objections.

4.2 Eastbourne Borough Council (Environmental Health Officer) – raises no objections

4.3 Highway Authority - raises no objections. Taking into account the fact that the existing permitted use has no restrictions on the number of traffic movements and the proposed number of trips is only slightly higher than would be expected for a B2 class use, no objections are raised. This is subject to conditions that require the provision of details and implementation of car parking, cycle storage and an HGV turning space, and a condition imposing a limit of 54 daily waste vehicle movements to and from the site.

4.4 Environment Agency – raises no objections. The Environment Agency is independently advising the operator on Environmental Permitting requirements for the proposed use.

4.5 ESCC Flood Risk Management – raises no objections.

4.6 Local Representations –Two of the neighbouring businesses on Birch Close have raised objections and a number of concerns regarding:

-The impact of the proposal on amenities and the character of the area.

-The application lacks information regarding noise, dust and fumes (no acoustic assessment or dust mitigation plan).

-Waste will be deposited by lorries outside of the building which will lead to 'stray' rubbish being deposited.

-The 'appearance' of the applicants existing waste site is at odds with the general appearance of the proposed Birch Close site.

-An unsightly waste site will be at odds with the well designed industrial estate that benefits from mature landscaping.

-The application provides no analysis of impact on neighbouring commercial users or the impact on environmentally sensitive areas.

-Noise disturbance and impact on neighbouring users (noisy machinery and operations, building doors will be left open, large vehicles will be manoeuvring around the site, with possible noise from reverse beepers).

-No Transport Assessment.

-Traffic flow will be impeded as the estate doesn't have the capacity to deal with such a large volume of HGV's.

-There would not be enough space within the buildings to accommodate the proposed annual throughput of waste.

-No independently verifiable data or survey results have been supplied to support the submitted transport information.

-Concerns over arrangements for a minibus to transport staff to the site from their homes in Bexhill and Hastings.

-The vehicle 'swept paths' plan indicates use of land that is beyond the control of the applicant.

## **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 (sustainable development), WMP3b (waste

hierarchy), WMP5 (Provision of Built Waste Facilities), WMP7a (sustainable locations for waste development), WMP7b (detailed criteria for waste development), WMP23A (Design Principles for Built Waste Facilities), WMP25 (amenity), WMP26 (transport).

## 5.2 Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013): Policy D2 (Economy).

Eastbourne Borough Council has not formally determined whether its Saved Policies in the Eastbourne Borough Local Plan are in general conformity with the NPPF. The Saved Policies are considered by the County Planning Authority to be in general conformity with the overarching principles of the NPPF, with reference to Paragraphs 57 and 58.

## 5.3 The National Planning Policy Framework (NPPF) 2012

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

## 5.4 The National Planning Policy for Waste 2014 (NPPW)

The NPPW document sets out the government's detailed waste planning policies.

## 5.5 East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan (Consultation Draft –July 2014) including the associated Schedule of Suitable Industrial Estates: Relevant Draft Policy WMSP 6 (Existing Industrial Estates)

## 5.6 Eastbourne Employment Land Local Plan (Proposed Submission Version): Relevant Draft Policy: Policy EL2 (Industrial Estates)

# 6. Considerations

## Need for the development

6.1 Policy WMP3b of the Waste and Minerals Plan seeks to divert waste away from landfill and for it to be managed further up the waste hierarchy. Policies WMP7a and WMP7b set out criteria for the sustainable location of waste development and identify Areas of Focus, which are considered to be preferable for waste development, as they are generally close to sources of waste arisings, have good transport links and are located near to other complementary uses.

6.2 Draft Policy WMSP 6 (Existing Industrial Estates) of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan (Consultation Draft –July 2014) sets out the criteria under which proposals for

waste management on existing industrial estates will be supported in principle.

6.3 The proposal is for a waste recycling facility that would accommodate the relocation of an existing waste management company. The applicant's current volume of business and throughput of waste has meant that the existing operation has outgrown its current main site near Ninfield. Whilst the proposal contributes to the implementation of Policy WMP5, it is likely that the proposal will involve only a small net increase as the applicant's former premises will probably be used for non-waste uses. The applicant is seeking to manage the imported waste as far up the waste hierarchy as possible so that most of it could be recycled. This would divert waste from landfill, thereby according with Policy WMP3b of the Waste and Minerals Plan. The location of the application site is within an established industrial estate in Eastbourne, which falls within an Area of Focus identified by the Waste and Minerals Plan, as a sustainable location for waste development.

6.4 With all waste operations confined to within the building, and with the implementation of noise and dust mitigation measures, the proposal would be in keeping with other uses on the industrial estate (these issues are discussed in further detail under effects on amenity). Consequently, the proposal accords with Policies WMP3b, WMP5, WMP7a and WMP7b of the Waste and Minerals Plan.

6.5 Policy D2 (Economy) of the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013) states that job growth and economic prosperity in Eastbourne will be supported and that this will be achieved by encouraging development which supports improvements in the local jobs market through creation of additional jobs and employment diversification; maximising the use of existing employment sites, through redevelopment for employment use and increased density on existing industrial estates.

6.6 The proposed MRF development would contribute towards job growth and economic prosperity in Eastbourne, with the creation of 10 jobs. The proposal is therefore in accordance with Policy D2.

6.7 Draft Policy EL2 (Industrial Estates) of the Eastbourne Employment Land Local Plan (Proposed Submission Version) states that change of use to alternative non-B use will only be granted where it can be demonstrated to the satisfaction of the Council that the proposed alternative use is an appropriate use to the industrial estate that cannot be located elsewhere due to its un-neighbourliness.

6.8 Although the proposed MRF development does involve the change of use from an industrial 'B' use to waste use (non-B use), the proposal is in accordance with the emerging plan Draft Policy EL2. It should be noted that the draft Eastbourne Employment Land Local Plan (Proposed Submission Version) does specifically refer to a waste facility or recycling processing plant as an example of what would be an acceptable change of use away from an existing 'B' use.

## **Effects on amenity**

6.9 Policy WMP25 of the Waste and Minerals Plan seeks to protect the standard of general amenity appropriate to the locality of the development and for development to provide for adequate means of controlling, inter alia, dust, noise and odour. Policy WMP23A (Design Principles for Built Waste Facilities) of the Waste and Minerals Plan requires built waste developments to be of a design that complements the existing scale and built form of the local area.

6.10 When the planning application was originally submitted, and during the first period of consultation, the proposals involved the unloading of incoming waste in an outside part of the yard. In response to concerns that were raised about the potential for this part of the proposal to cause noise and dust problems, the applicant chose to alter the proposed working scheme so that all waste unloading operations would now take place within the building. This means that with the exception of the storage of baled waste at the rear of the building, all waste operations would take place within the building. Combined with the fact that there would be no storage of skips, containers or bins outside of the building, the proposed waste use and operations would not have an adverse effect on the visual amenity of the area.

6.11 The 3.6 metres high sleeper walls have been proposed in response to the findings of a noise assessment that was required as part of the planning application. The applicant's noise report states that the proposed sections of 3.6m high railway sleeper wall, in addition to internal noise insulation panels on the building, are necessary in order to help ensure that noise levels from the proposed operations on site do not increase (beyond existing background noise levels) at the nearby residential dwellings at St Anthony's Court and the learning disability day centre at Linden Court.

6.12 The sleeper walls would be built with wooden (brown) railway sleepers, each of which measures 244cm long by 25.4cm wide by 20.3cm high. The sleepers would be stacked on top of each other and would slot into vertical steel 'H' beams (middle sections of the wall) and vertical steel 'C' beams (end sections of the wall). The walls would be built on the site within the boundary of the existing steel palisade fencing which is 2 metres in height. Along part of the south west side of the site at the southern end, the ground level of the neighbouring site (on which the steel palisade fence is mounted) is 30cm higher than the proposal site ground level. This means that the south west boundary section of the sleeper wall would be seen at a lower height of 3.3m when viewed from the neighbouring sites to the south-west.

6.13 At the front of the building (the north-west boundary) the sleeper wall would be facing the rear of the neighbouring industrial building (No. 48-50 Birch Close) where there are rear entry doors and a loading area. The sleeper wall would be 13 metres from the façade of the neighbouring building (No. 48-50) and given that there are no windows, it is reasonable to conclude that the

proposed sleeper wall would not have an adverse effect on the light or shadow of the neighbouring building.

6.14 The front sleeper wall (north-west) would be visible from the public highway of Birch Close itself and also from Unit 4b which is 50 metres away. The wall would also be visible from the adjoining neighbouring Unit 2C and from Units 3A and 3B. It is reasonable to conclude that the proposed sleeper wall would not have an adverse effect on the light or shadow of these other neighbouring buildings. The rear sleeper wall on the south-east side of the building would be 7 metres from the nearest 2 industrial units. The wall would be backing on to the rear part of these buildings so would have little impact in terms of visual amenity.

6.15 The actual materials and design of the proposed sleeper wall are considered to be appropriate to the location of the Birch and Maple Road industrial estate. It is however, the height of the walls that has to be assessed in terms of acceptability. The height of the existing steel palisade perimeter fencing is 2 metres and therefore the proposed 3.6m height would represent a 1.6 metres increase. Given that the industrial buildings at Birch Close are 6 metres in height to the pitch of the roof, and given that most of the proposed sleeper wall would be 7 metres to 13 metres distance from the nearest neighbouring building, the proposal is considered to be acceptable in terms of the existing scale and built form of the area. Therefore the proposal does comply with the requirements of Policy WMP23A.

6.16 It is important to note that at the time of writing this report, consultation is still underway regarding the addition of the sleeper walls (acoustic barrier) to the proposed development. The additional consultation period ends on 14 May 2015 and any further representations that are received will be reported orally.

6.17 The proposal involves the three large shutter doors to the building having to be left open during the normal hours of operation, in order to enable ventilation of the building where there will be vehicle and machinery exhaust emissions. Consequently there is a risk that noise and dust generated by waste operations within the building could have an impact on the surrounding area.

6.18 Modelling carried out as part of the noise assessment has established that the proposed mitigation measures would be necessary in order to ensure that the proposed development does not result in an increase in existing background noise levels at the nearest residential area of St Anthony's Court or the Linden Day Care Centre. With regard to dust, the applicant has submitted a dust management plan that would be in place to ensure effective mitigation.

6.19 A Flood Risk Assessment (FRA) has therefore been prepared and submitted by the applicant and this demonstrates that the proposed change of use development will not increase flood risk. The FRA also sets out measures that will be taken to improve the building's resilience and procedures that will

be followed in the event of flood warnings being issued and an actual flooding event.

6.20 Subject to the proposed conditions, it is considered that the proposal would not have an unacceptable impact on the amenity of the local area, including existing local and potential future local residents, businesses and other users of the area, in accordance with Policies WMP25 and WMP23A of the Waste and Minerals Plan.

### **Traffic impact**

6.21 Policy WMP26 of the Waste and Minerals Plan requires, inter alia, that appropriate access arrangements should be provided for development and that the traffic generated should not exceed local capacity.

6.22 The proposal is expected to generate a maximum of 54 waste vehicle movements a day (27 in and 27 out), and this would be the limit imposed by a proposed planning condition (it should be noted that the current permitted use for the proposal site has no restrictions on vehicle movement numbers). The 54 daily movements is only slightly higher than the volume of traffic (50 daily movements) that might typically be generated by a B2 class use (general industrial) site of this size –as calculated on the ‘TRICS’ (trip generation analysis) database by the Highway Authority. Therefore the proposal would not generate a significant increase in the volume of HGV traffic on the local road network and local capacity would not be substantially exceeded.

6.23 The Highway Authority notes that the TRICS database suggests that if the building was in use as a B2 (general industrial) class use, the use would be expected to generate around 50 trips per day although the applicants own Transport Assessment, which used a smaller database, indicated that between 76 and 205 trips would be likely to be generated. The Highway Authority has not raised any objection to the proposal, although this is subject to proposed conditions that require the provision of details and implementation of car parking, cycle storage and an HGV turning space, and a condition imposing a limit on waste vehicle movements to and from the site.

6.24 Regarding a neighbouring business and their concerns regarding the proposed site access, vehicle turning, vehicle ‘swept path’ analysis and the control over the land outlined in the red line application area, the applicant has provided an amended application area plan and drawing plans from the leasehold title to the site. This demonstrates that the ‘shared access area can be used by HGV’s for access to the site.

## **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 the change of use of an existing industrial building to a waste management use. It is considered acceptable in waste management terms. The applicant's business would operate more efficiently on this site. The location of the site is considered appropriate for the proposed use in principle. Proposed conditions should ensure there is no unacceptable effect on amenity and traffic.

7.3 The proposal complies with East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) Policies: WMP1 (sustainable development), WMP3b (waste hierarchy), WMP5 (Provision of Built Waste Facilities), WMP7a (sustainable locations for waste development), WMP7b (detailed criteria for waste development), WMP23A (Design Principles for Built Waste Facilities), WMP25 (amenity), WMP26 (transport), and Eastbourne Core Strategy Local Plan 2006-2027 Policy D2 (Economy).

7.4 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) (Amendment No. 2) Order 2012.

7.5 There are no other material considerations and the decision should be taken in accordance with the development plans.

## **8. Recommendation**

8.1 To recommend the Planning Committee to grant planning permission 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 plans listed in the Schedule of Approved Plans.

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

3. Within one month of the commencement of the development the sleeper walls shall be constructed in accordance with the following approved plans and details:

-Drawing plan titled 'Existing elevations and proposed acoustic barrier' (front and side elevations) dated 30/04/2015



-Drawing plan titled 'Existing elevations and proposed acoustic barrier' (rear elevation) dated 30/04/2015  
-Document titled 'Details of Sleeper Walls' dated 29/04/2015  
-Approved plan L.01 Rev F 'Site Layout Plan' (dated 29/04/2015) and thereafter maintained for the life of development.

Reason: In order to mitigate noise disturbance and in the interests of protecting the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

4. No machinery shall be operated and no process shall be carried out other than between the hours of 07.00 and 19.00 on Mondays to Fridays inclusive and between 07.00 and 14.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays except of works for essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such works, full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Communities, Economy and Transport.

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

5. The following operations shall not take place on site other than between the hours of 07.30 and 17.30 on Mondays to Fridays inclusive and between 07.30 and 13.30 on Saturdays:
  - (a) the removal of waste and loading of vehicles
  - (b) any deliveries or importation of waste to the site, including unloading of vehicles
  - (c) the servicing or repair of any vehicle

except with the prior written consent of the Director of Communities, Economy and Transport.

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

6. The maximum number of vehicle movements (excluding staff and other car movements) associated with the permitted use of the site shall not exceed 54 movements per day (i.e. 27 in and 27 out per day)

Reason: In the interests of amenity and highway safety and to comply with Policies WMP25 (a) and WMP26 (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Within one month of the commencement of the development, the car parking spaces indicated on the approved plan L.01 Rev F 'Site Layout Plan' (dated 29/04/2015) shall be marked out and installed and thereafter

shall be kept available at all times for the parking and stationing of vehicles associated with Units 2a and 2b, and shall not be used for any other purpose.

Reason: To ensure the provision of appropriate vehicle parking for the use hereby permitted, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

8. The secure cycle storage room/building indicated on the approved plan L.01 Rev F 'Site Layout Plan' (dated 29/04/2015) shall be retained throughout the life of the development and shall be made available at all times for the parking and storage of staff and visitor bicycles.

Reason: To ensure the provision of appropriate cycle storage for the use hereby permitted, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

9. The development shall not be occupied until the turning space for vehicles as identified on approved drawing 'Site Layout Plan' L.01 Rev F (dated 29/04/2015) has been provided and the turning space shall thereafter be retained for use as a turning space for vehicles and for no other use.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013

10. No storage container, skip, sorted or unsorted waste material or residue of recycled materials shall be stored outside the building other than wrapped or bound bales, which may be stored within the area identified as the 'Storage Area' on approved plan L.01 Rev F dated 29/04/2015 (that is the area to the southeast of the building).

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

11. Other than the moving of, setting down or loading of bales onto lorries (in accordance with the provisions of Condition 10 above), no sorting, treatment, loading or unloading of waste, recyclable materials or any other materials shall take place other than within the building.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

12. No bales shall be stacked or deposited to a height exceeding 2.4 metres, measured from ground level on the site.

Reason: In the interests of amenity of the locality in accordance with Policy WMP25 of the East Sussex and Brighton & Hove Waste Local Plan 2013.

13. Notwithstanding the provisions of Part 7, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, plant or machinery shall be extended, altered or installed at the site (other than as expressly authorised by this permission).

Reason: To enable the Local Planning Authority to control the future use of the site in order to protect the character and amenity of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

14. The rating level of the operational noise emitted from the site shall not exceed the background noise level at any time, as measured at Linden Court and St Anthony's Court and in accordance with BS 4142:2014.

Reason: In order to mitigate noise disturbance and in the interests of protecting the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

15. Within 3 months of the commencement of waste operations at the site, a noise monitoring report shall be submitted in writing to the Director of Communities, Economy and Transport, to assess compliance with the above condition within 3 months of the site becoming fully operational, and, to outline and implement additional mitigation measures, if necessary, to ensure compliance.

Reason: In order to mitigate noise disturbance and in the interests of protecting the amenities of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

#### Schedule of Approved Plans

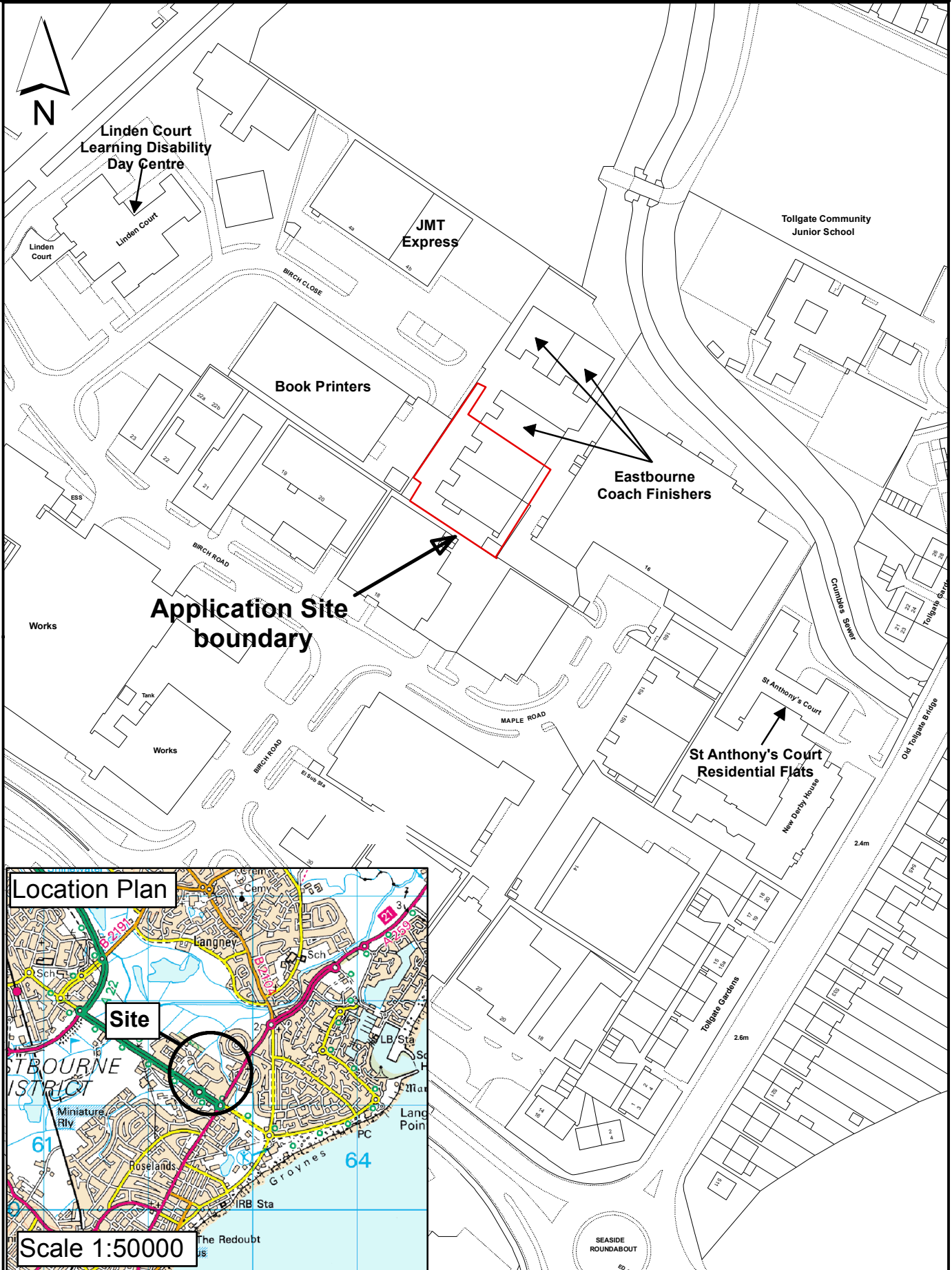
P01 Rev D- Block Plan, Supporting Statement Rev 1, Dust Management Plan, Noise Report, LO1 Rev F - Site Layout Plan, LO3 Rev A Existing Elevations and proposed Acoustic Barrier Section, LO2 Rev A - Existing Elevations and proposed Acoustic Barrier, Email 05/05/15 Re Plan of leasehold area, Transport Statement dated March 2015

RUPERT CLUBB  
Director of Communities, Economy and Transport  
12 May 2015

**BACKGROUND DOCUMENTS**  
See Case File EB/751/CM

# Agenda item 5, EB/751/CM

## Units 2A & 2B, Birch Close, Eastbourne, BN23 6NY.



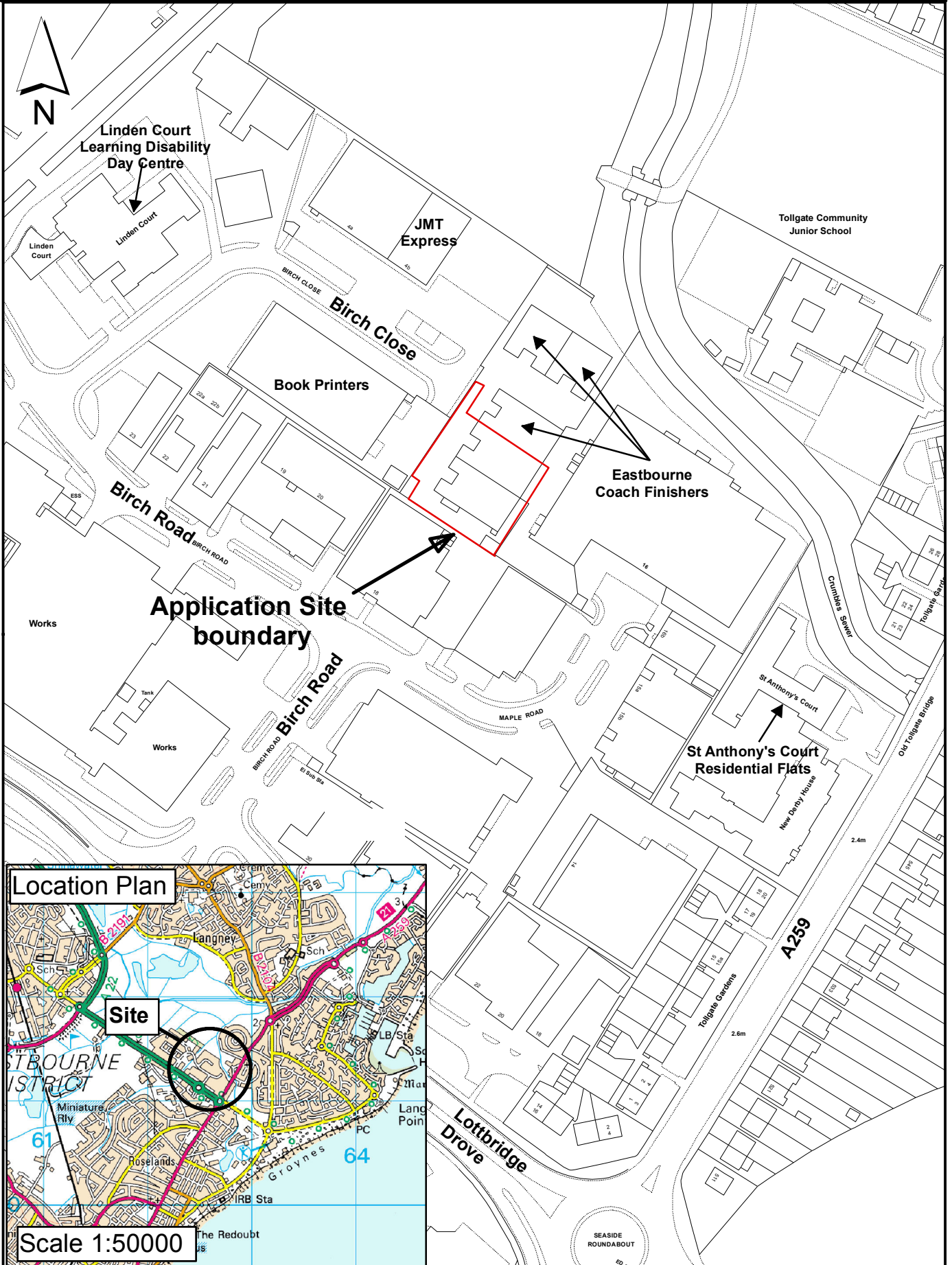
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# EB/751/CM Units 2A & 2B, Birch Close, Eastbourne, BN23 6NY.



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Working in Partnership



Report to Planning Committee  
Date of Committee 24 June 2015  
By Head of Planning and Environment  
Local Authority East Sussex County Council  
Application No: SDNP/15/00790/CW  
Applicant: Mr Mike Holland  
Proposal: Retention of imported waste material and profiling of existing materials to raise the level of a paddock for drainage improvements  
Site Address Falmer Court Farm, East Street, Falmer, BN1 9PB  
Purpose of Report The application is reported to Committee for a decision

**Recommendation: That the application be Refused for the reasons set out in paragraph 9.1 of this report.**

## 1. Site Description

1.1 The application site is 0.3ha in area and is located on the eastern side of Falmer village at Court Farm. The site had been used as a paddock and now accommodates tipped waste materials and is used for the storage of various materials and other items, including motorised vehicles. The land generally slopes down to the south-east. The site lies to the east and north of buildings associated with Court Farm, including a large tithe barn, which is a Grade II\* Listed Building. Open downland extends to the east and south of the site. The Brighton to Lewes railway line tracks east-west to the north of the site with the A27 Trunk Road beyond. Access to the site is via the village road of East Street from the B2123, which connects to the A27 to the north and follows southwards to Woodingdean. The site is within the Falmer Conservation Area and South Downs National Park (SDNP).

## 2. Relevant Planning History

2.1 A planning application was submitted in August 2014 (ref. SDNP/14/04290/CW) following an investigation into the unauthorised importation of waste materials to the site. The applicant sought to retain the materials and import additional materials to raise the level of the paddock to improve drainage. The application was withdrawn by the applicant in December 2014.

## 3. Proposal

3.1 The proposal is to retain and profile imported waste, comprising largely soils and hardcore but also including other waste materials, within the application site and to consequently raise the level of the land, which the applicant considers will improve drainage. According to the applicant, approximately 135 tonnes of crushed hardcore type materials and 320 tonnes of soils have been deposited, which stand at

about 1.2 metres at the highest point. The applicant states that all material will be profiled and would taper into non-waste tipped ground, not exceeding a gradient of 1:7. On completion, it is proposed to import topsoil to be spread at a depth of 0.25m across the site and thereafter sown with a wild flower seed mix.

#### **4. Consultations**

4.1 The South Downs National Park Authority has indicated that the application should be managed by the County Council on its behalf.

4.2 The Lewes District Council Conservation Officer raises objections. It is noted that a Grade II\* Listed Building is immediately to the west of the application site and that it is within the Falmer Conservation Area and SDNP. Concerns are raised regarding the weak justification for the proposal because only circumstantial evidence has been provided that the works are necessary to improve the drainage at the site. It is also unclear why material was imported to address this issue rather than looking at a more benign approach to landscaping. There is also concern regarding the impact on the setting of the Listed Building, the Conservation Area and the SDNP, as it is considered that the natural contours of the landscape have been changed so that the site now appears incongruous within its wider setting. No assessment has been provided on the impact of the development on the setting of the Listed Building or on the Conservation Area and National Park.

4.3 Falmer Parish Council raises objections, which can be summarised as follows: (i) Unlawful tipping of a considerable volume of waste has taken place without any checks on its content; (ii) Tipping has also taken place before the applicant took over; (iii) Some areas of the paddock have several feet of waste dumped on it; (iv) Topsoil had been stripped back and saved but was used to cover rubbish before more was deposited; (v) There is uncertainty where the waste has come from or what it comprises; (vi) An old flint wall was knocked down to provide access to the paddock and this should be reinstated; (vii) The paddock has never been subject to ponding. In the past, cattle, horses and chickens have been left in the paddock; and (viii) The heavy goods vehicles which had brought in the waste cut up the land and created a mess which resulted in ponding.

4.4 The Highway Authority raises no objections.

4.5 The Environment Agency has not submitted any observations.

#### **5. Representations**

5.1 No representations received.

#### **6. Policy Context and Policies**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 The East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP2 (Waste development affecting SDNP); WMP3b (Turning waste into a resource); WMP8b (Deposit of inert waste on land for beneficial purposes); WMP25 (General amenity); WMP27 (a) (Environment & Environmental Enhancement).

6.3 Lewes District Local Plan 2003: Saved Policies: H2 (Listed Buildings); H5 (Development within or affecting Conservation Areas).

6.4 Lewes District Council Proposed Submission Core Strategy 2013: In September 2014, the Core Strategy was submitted for Examination to the Secretary of State and the Examination commenced in January 2015. The District Council received the Inspector's Interim Findings letter in February, which

recommended modifications to make the plan sound. Relevant policies: Core Policy 10 (Natural environment and Landscape Character); Core Policy 11 (Built and Historic Environment and High Quality Design).

#### 6.5 National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. Parts 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) are relevant in this case.

#### 6.6 National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

#### 6.7 The National Planning Policy for Waste (NPPW) 2014

The NPPW sets out detailed waste management policies and planning authorities should have regard to them when discharging their responsibilities to the extent that they are appropriate to waste management.

#### 6.8 The South Downs Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

### **7. Planning Assessment**

#### Need and purpose of development

7.1 Policy WMP3b of the Waste and Minerals Plan requires that proposals involving waste development should demonstrate that they will contribute to the implementation of the waste hierarchy by indicating how the waste could be managed in the priority order of the hierarchy.

7.2 Policy WMP8b of the Waste and Minerals Plan permits the deposit of only inert waste on land for beneficial uses where it is demonstrated that the proposal (a) conforms with Policy WMP8a (under this Policy, it should (a) accord with the waste hierarchy; (c) not pose an unacceptable risk to the environment, including landscape character; & (d) demonstrate that it will not give rise to unacceptable implications for communities through adverse impacts on amenity or highway infrastructure); and (b) is an engineering operation such as that which forms part of a comprehensive scheme for restoration of suitable previously developed land; or (c) significantly enhances other development or its setting; or (d) would result in appropriate measurable improvement to the use or operation of agricultural and/or

forestry land; and (e) the resulting final landform, landscape and after use enhances the environment and is sympathetic to the land uses, landscape visual amenity and nature conservation interests of the site and the surrounding area, including its landscape character; and the minimum volume of inert material is used to achieve necessary improvements.

7.3 The applicant states that the material present at the site had been saturated with water making it unsuitable for use. He considers that the existing topography makes the paddock inaccessible during periods of heavy rain and creates poor conditions on site and that the proposed changes will facilitate access and the proper use of the paddock year round.

7.4 Although the applicant considers that the site suffers from poor drainage, it is noted by the Parish Council, with reference to the previous use of the Farm, that there had not been a drainage problem and that the paddock had been used satisfactorily by livestock. It is also noted by the Parish Council that other materials had been deposited at the site before the subsequent deposit of waste, the subject of the current application, which may have affected drainage. The importation of further waste materials and the effects of heavy goods vehicles on the land would have been likely to exacerbate any drainage problems. It appears that any land problems relating to drainage have originated over the last few years as a result of material deposition.

7.5 It also appears that the applicant has not explored alternative ways of addressing the apparent drainage issue at the site. For example, the removal of accumulated material within the paddock to original levels, when livestock were present, might have proved to be beneficial, rather than importing additional waste to raise land levels. It is uncertain how the importation of waste and the raising of land levels would improve drainage at the site, particularly when the land generally slopes down to the south-east and that the underlying substrate is likely to comprise permeable chalk. Therefore, it is not considered, in this case, that the importation of waste is an appropriate method of dealing with a potential drainage issue when it appears that the land had not experienced a drainage problem previously. As such, the applicant has not demonstrated a justifiable need for the importation of waste to the site and that its use would contribute to the implementation of the waste hierarchy. Consequently, the proposal conflicts with Policy WMP3b of the Waste and Minerals Plan.

7.6 Although Policy WMP8b of the Waste and Minerals Plan allows the deposit of inert waste on land where it can be demonstrated that it is for beneficial purposes, the applicant has not fully demonstrated what the benefits might be with reference to this Policy. As noted above, the development does not accord with the requirements of the waste hierarchy and no assessment has been provided regarding the impact of the importation of waste and any proposed restoration of the site on the setting of the Listed Building, Conservation Area or National Park. Furthermore, the development is not an engineering operation which forms part of a comprehensive scheme for the restoration of suitable previously developed land. It neither significantly enhances other development, nor results in appropriate measurable improvement to the use of agricultural and/or forestry land. Moreover, the resulting final landform would not enhance the environment or be sympathetic to the landscape of the National Park, including the local landscape character (see following section).

7.7 It is clear that the proposal is unable to demonstrate that it would be acceptable in terms of managing waste in accordance with the waste hierarchy and in providing benefits to land through waste deposition and does not provide justification that it is an appropriate operation in relation to policy. It is considered therefore that the proposal conflicts with Policy WMP8b of the Waste and Minerals Plan.

#### Effect on SDNP landscape, Conservation Area & Listed Building

7.8 Policy WMP2(a) of the Waste and Minerals Plan states that waste development should demonstrate that it contributes to the sustainable development of the National Park. Policy WMP27(a) states that to conserve and enhance the local character and environment, planning permission will not be granted where the development would have a significant adverse impact on, inter alia, the National Park, Listed Buildings and Conservation Areas. These assets should be protected and enhanced.

7.9 The reasoned justification for Saved Policy H2 of the Lewes District Local Plan notes that in considering development, regard will be given to the importance of a Listed Building, its special features, setting and contribution to the local scene. Saved Policy H5 of the same Plan requires development to, inter alia, conserve and enhance the special architectural or historic character or appearance of the area, respect any important traditional groups of buildings, which contribute to the character of the area, and protect open spaces.

7.10 Part 11 of the NPPF highlights the need for the planning system to contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes. Great weight should be given to conserving the scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty. Part 12 of the NPPF requires that planning applications should describe the significance of any heritage assets affected, including any contribution made by their setting. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

7.11 Core Policy 10(2) of the Lewes District Local Plan Submission Core Strategy states that highest priority will be given to the conservation and enhancement of the landscape qualities of the National Park and Core Policy 11 seeks to ensure high quality design in all new development which respects the character and distinctiveness of the District, and development within the National Park shall be in accordance with the Park purposes and should respond sympathetically to the site and its local context.

7.12 As referred to above, the applicant has not provided an assessment of the impact of the development on the National Park, the Falmer Conservation Area or the tithe barn Listed Building, a matter which has also been highlighted by Lewes District Council's Conservation Officer. Although the proposed re-profiling of the materials and restoration to pasture would be an improvement compared to the current situation, the act of waste importation has degraded the land and the previously existing natural contours of the landscape have been changed so that the site now appears incongruous within its wider setting; this change would remain evident even with the re-profiling of the site. Any retention of the waste materials also raises a concern regarding the successful restoration to pasture. Experience of sites elsewhere, on which mixed materials and rubble have been deposited, is that the proposed 0.25m topsoil layer would not be adequate to ensure successful restoration. Larger lumps of concrete, glass and metals, which have been identified at the site, will continue to work to the surface. Even with a surface clearance of these materials prior to top soiling, this will be an on-going issue and hazard for the proposed future use as a paddock. Consequently, the development would not contribute to the conservation or enhancement of the landscape of the National Park in the local context, nor would it contribute to the appearance of the Conservation Area or the setting of the tithe barn Listed Building, thereby conflicting with policies which seek to protect the valued landscape of the National Park, the character of Falmer Conservation Area and the setting of the tithe barn Listed Building. The most desirable outcome for the site in relation to the local landscape character and to the setting of the Listed Building and Conservation Area would be for the restoration of the land to original levels.

## **8. Conclusion and reasons for refusal**

8.1 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.

8.2 The proposal is to retain imported waste materials and re-profile existing materials to raise the level of the paddock so that, in the applicant's view, improvements can be made to drainage and the site be returned for use as pasture.

8.3 It appears that a few years ago the site was satisfactorily used as a paddock to accommodate livestock without problems to drainage. Since then and with the deposition and accumulation of materials,

including waste, there is apparently now a drainage problem. Rather than seek a more sustainable and propitious method of drainage, the applicant is seeking to raise land levels with waste. The use of waste for this purpose does not accord with the principles of the waste hierarchy and conflicts with Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013. Furthermore, the applicant has failed to demonstrate what the benefits would be to the land in relation to Policy WMP8b of the same Plan.

8.4 The site is within the South Downs National Park and the Falmer Conservation Area and is adjacent to a tithe barn Grade II\* Listed Building. However, no assessment has been carried out to determine the impact of the development on these natural and historic assets. The natural contours of the application site have been altered to make the raised land appear out of place. Moreover, given the nature of the materials present in the waste, successful restoration to pasture would be difficult. Consequently, the development does not protect and enhance the local landscape character of the National Park, nor the character and appearance of the Conservation Area or the setting of the Listed Building, thereby conflicting with Policy WMP27(a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policies H2 and H5 of the Lewes District Local Plan 2003, Parts 11 and 12 of the NPPF and Core Policies 10 and 11 of the Lewes District Submission Core Strategy 2013.

8.5 In taking all matters into account, the proposed development is not considered to be acceptable and should be refused planning permission. Moreover, the applicant should be required to remove the imported waste materials, the subject of this application, and to restore the site to a state similar to its previous condition. If necessary, appropriate enforcement action should be taken to require removal.

8.6 In determining this planning application, the County Council has worked with the agent and sought views from consultees and neighbours, which have been considered in the preparation of 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.

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

## **9. Formal Recommendation**

9.1 To recommend that the Planning Committee refuse planning permission and support the undertaking of appropriate enforcement action, for the following reasons:

1. It has not been demonstrated that the importation of waste materials is required to manage drainage at the site and that there are no suitable alternative methods. Therefore, there is no justifiable need for the importation of waste for reasons of drainage and the use of the waste for this purpose does not accord with the principles of the waste hierarchy, thereby conflicting with Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

2. The importation of inert waste materials at the site to raise land levels for the purposes of drainage would not be of benefit to the land and would conflict with Policy WMP8b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

3. The importation of waste materials at the site does not accord with the requirements to protect the landscape character of the South Downs National Park, thereby conflicting with Policies WMP2 and WMP27(a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Part 11 of the National Planning Policy Framework 2012 and Core Policy 10 of the Lewes District Submission Core Strategy 2013.

4. The importation of waste materials at the site does not accord with the requirements to conserve and enhance the character and appearance of Falmer Conservation Area and the setting of the tithe barn Grade II\* Listed Building, thereby conflicting with Policy WMP27(a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policies H2 and H5 of the Lewes District Local Plan 2003, Part 12 of the National Planning Policy Framework 2012 and Core Policy 11 of the Lewes District Submission Core Strategy 2013.

9.2 To authorise the Director of Communities, Economy and Transport to take appropriate enforcement action to secure the removal of all deposited inert and non-inert waste materials in breach of planning control at this site.

#### **10. Crime and Disorder Implication**

10.1 It is considered that the proposal does not raise any crime and disorder implications.

#### **11. Human Rights Implications**

11.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

#### **12. Equalities Act 2010**

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

Tony Cook, Head of Planning and Environment  
For Tim Slaney  
Director of Planning  
South Downs National Park Authority

#### Case Officer Details

Name: Jeremy Patterson

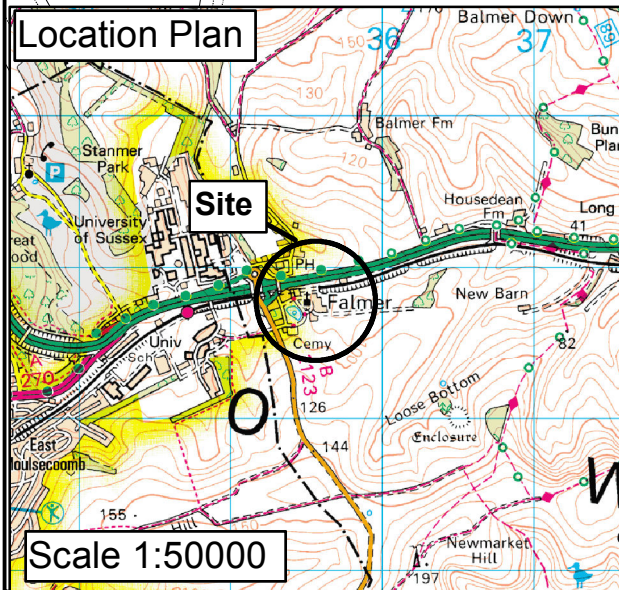
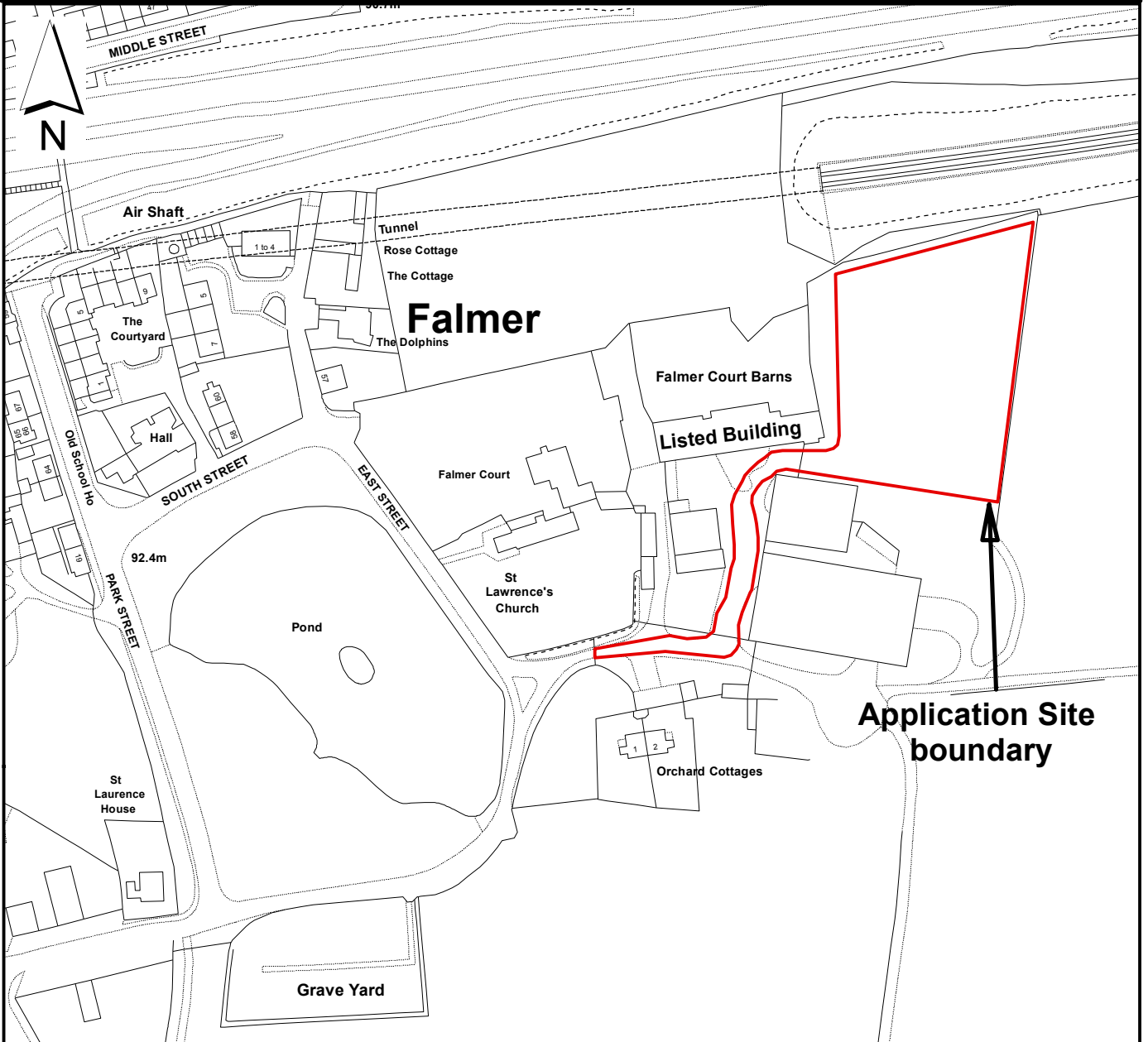
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# SDNP/15/00790/CW Falmer Court Farm, East Street, Falmer.



Scale 1:2,500

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

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