



## REGULATORY COMMITTEE

## PLANNING COMMITTEE

**MEETING 10.30 am WEDNESDAY, 19 OCTOBER 2016**

**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 21 September 2016 (*Pages 3 - 8*)
- 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.

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

- 5 Erection of 2No. Ferric Chloride Dosing Plant Kiosks, No.1 Desludge MCC Kiosk, 1No. Tertiary MCC Kiosk, 1No. Alkalinity Dosing Plant Kiosk and a proposed screening mound. Uckfield Wastewater Treatment Works (WTW), Bridge Farm Road, Uckfield, TN22 1QQ - WD/778/CM (*Pages 9 - 26*)  
Report by the Director of Communities, Economy and Transport

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

- 6A Part demolition of building and removal of double mobile classroom to facilitate two storey extensions (x2) to the main School building to create 5no additional classrooms, and associated ancillary spaces including offices, stores and WCs to increase the capacity of the School to a 3 form of entry. Cradle Hill Community Primary School, Lexden Road, Seaford, BN25 3BA - LW/3322/CC (*Pages 27 - 42*)  
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)*

- 6B Construction of a fenced tarmac play area on north western boundary of the School playing field, with associated access route from the reception playground to the west of the main School building. Cradle Hill Community Primary School, Lexden Road, Seaford, BN25 3BA - LW/3320/CC (*Pages 43 - 54*)  
Report by the Director of Communities, Economy and Transport
- 7 Quarterly Development Management (*Pages 55 - 66*)  
Report by the Director of Communities, Economy and Transport

**Traffic Regulation Orders - report(s) by the Director of Communities, Economy and Transport**

- 8 Various Roads Jarvis Brook 30mph and 40mph Speed Limit Order 2016 - objections to the Traffic Regulation Order (*Pages 67 - 80*)  
Report by the Director of Communities, Economy and Transport
- 9 Any other items previously notified under agenda item 4

PHILIP BAKER  
Assistant Chief Executive  
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11 October 2016

Contact Simon Bailey, Democratic Services Officer,  
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## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 21 September 2016.

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

### 33 MINUTES OF THE MEETING HELD ON 17 AUGUST 2016

33.1 RESOLVED to approve as a correct record the minutes of the meeting held on 17 August 2016.

### 34 REPORTS

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

### 35 REPLACEMENT OF BOUNDARY FENCE TO ANTI CLIMB GREEN V MESH FENCING AT 2.4M HIGH. ROBERTSBRIDGE COMMUNITY COLLEGE, KNELLE ROAD, ROBERTSBRIDGE, TN32 5EA - RR/3323/CC

35.1 The Committee considered a report by the Director of Communities, Economy and Transport, together with the written comments of the Local Member in support of the recommendation circulated prior to the meeting.

35.2 Members have considered the officer's report and comments of the Local Member, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

35.3 RESOLVED 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. All works to remove the existing fence and erect the new fence shall be undertaken in accordance with the requirements of British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction.

Reason: To protect trees in the interests of the amenity of the locality and the landscape of the High Weald AONB, in accordance with Policies OSS4 and EN1 of the Rother Local Plan Core Strategy 2014.

4. The development shall be implemented in accordance with the submitted Waste Minimisation Statement, submitted as part of the application's Design and Access Statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WMP3d of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan 2013.

#### Schedule of Approved Plans

Design and Access Statement, Site Location Plan, Fencing Plan 1 Received 9.9.16

#### 36 THE ERECTION OF NEW FRONTAGE GATES AND FENCING, THE INSTALLATION OF A NEW MULTI USE GAMES AREA AND ASSOCIATED FENCING, THE ERECTION OF A CANOPY, AND THE RECONFIGURATION OF THE CAR PARK AND ACCESS WAY, ROBSACK WOOD PRIMARY ACADEMY, 100 WHATLINGTON WAY, ST LEONARDS ON SEA - HS/3318/CC

36.1 The Committee considered a report by the Director of Communities, Economy and Transport, together with the written comments of the Local Member circulated prior to the meeting.

36.2 The Chair proposed an amendment to Condition 3, to allow the Academy to use the MUGA outside of the permitted hours with the written consent of the Head of Planning and Environment or the Director of Communities, Economy and Transport.

36.3 Members have considered the officer's report and the comments of the Local Member, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report, subject to the proposed amendment to Condition 3.

36.4 RESOLVED 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 Multi Use Games Area hereby permitted shall not be used at any time other than between the hours of 0830 and 1800 Monday to Friday inclusive, excluding Bank and Public holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In order to safeguard the amenity of the neighbouring residents, in accordance with Policy DM3 of the Hastings Development Management Plan 2015.

4. Prior to the commencement of the development hereby permitted a Construction Traffic Management Scheme shall be submitted to and approved in writing by the Director of Communities, Economy and Transport and shall include details of the size of vehicles, routing of vehicles, the location of site compounds, site access and hours of operation.

The hours of delivery/collections should avoid peak traffic flow times and AM/PM peak School travel times. The development shall be carried out in accordance with the approved scheme, unless with the prior written agreement of the Director of Communities, Economy and Transport.

Reason: In the interests of highway safety and amenity, in accordance with Policy DM3 and DM4 of the Hastings Development Management Plan 2015.

5. Prior to the commencement of the development hereby permitted details of the final specification of the acoustic barriers and proposed surface of the Multi Use Games Area shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. Thereafter, the Multi Use Games Area shall not be brought into use until the approved barriers and surface have been installed in accordance with the approved details.

Reason: To ensure the appropriate appearance of the Multi Use Games Area and to safeguard the amenity of the occupiers of residential properties within the locality, in accordance with Policies DM1 and DM3 of the Hastings Development Management Plan 2015.

6. Prior to the commencement of the development hereby permitted details of the materials to be used for the external surfaces and boundary fencing shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The development shall thereafter be carried out in accordance with the approved materials, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure an appropriate appearance of the site in the locality, in accordance with Policy DM1 of the Hastings Development Management Plan 2015.

7. The development hereby permitted shall not be brought into use until details of the proposed cycle parking have been submitted to and approved by the Director of Communities, Economy and Transport and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes of transport, in accordance Policy DM4 of the Hastings Development Management Plan 2015.

8. Prior to the development being brought into use a landscaping scheme, including proposals for the replacement tree planting and additional planting, noting species and location, together with a programme for implementation and maintenance shall be submitted to and approved by the Director of Communities, Economy and Transport. The planting shall thereafter be undertaken during the first available planting season following the discharge of this condition and maintained in accordance with the approved scheme.

Reason: To integrate the development effectively into the surrounding environment and in the interest of the visual amenity of the locality, in accordance with Policy EN3 of the Hastings Planning Strategy 2014 and Policies DM1 and DM3 of the Hastings Development Management Plan 2015.

9. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site. The facilities shall be retained in working order at all times and shall be used by any construction related vehicles 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: In the interests of highway safety and the amenity of the locality, in accordance with Policy DM4 and DM3 of the Hastings Development Management Plan.

10. The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations. These calculations should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. Any proposals for infiltration systems should be supported by ground investigations and prior to the commencement of the development the findings shall be submitted to and approved by the Director of Communities, Economy and Transport. Thereafter, the proposals shall be implemented in full in accordance with the approved details.

Reason: To reduce the risk of flooding, in accordance Policy SC7 of the Hastings Planning Strategy 2014.

11. No artificial external lighting, including floodlighting, shall be installed or used in relation to the use of the Multi-Use Games Area, unless with the prior written agreement of the Director of Communities, Economy and Transport.

Reason: To protect the amenity of the locality, in accordance with Policy DM3 of the Hastings Development Management Plan 2015.

12. In this condition `retained trees` means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the completion of the development hereby approved.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Director of Communities, Economy and Transport.

(b) If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Director of Communities, Economy and Transport.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and British Standard 5837 (Trees in relation to design, demolition and construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor any fires lit, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Director of Communities, Economy and Transport.

Reason: In the interest of protecting trees at the site and of visual amenity, in accordance with Policy EN3 of the Hastings Planning Strategy 2014 and DM1 of the Hastings Development Management Plan 2015.

## INFORMATIVES

1. The Applicant's attention is drawn to the provisions of The Wildlife and Countryside Act 1981, as amended, in undertaking any activities on the site in relation to the hereby permitted development.

Schedule of Approved Plans

Proposed Site Plan & MUGA Plan 8874-002B, Location Plan 8874-001A, Existing Site Plan Showing Car Parking Spaces 8874-004A, Proposed External Works 8874-003C

37 OBJECTIONS TO THE VARIOUS ROADS IN BURWASH) (PROHIBITION OF WAITING AND PROHIBITION OF STOPPING AND WAITING ON SCHOOL KEEP CLEAR MARKINGS) ORDER 201\*

37.1 The Committee considered a report by the Director of Communities, Economy and Transport. Officers reported that the Local Member had attended Parish Council meetings, and that the Parish Council and Local Member were in support of the proposals.

37.2 Members have considered the officer's report and agree with the conclusion and reasons for recommendation as set out in paragraph 3 of the report.

37.3 RESOLVED (1) not to uphold the objections as set out in Appendix 3 of the report; and  
(2) to recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.

38 TRAFFIC REGULATION ORDERS - BEDFORD GROVE, EASTBOURNE

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

38.2 Ms Sue Backhouse spoke in support of the recommendations.

38.3 Councillor Rodohan, the Local Member, spoke in support of the recommendations.

38.4 Members have considered the officer's report and comments of the public speaker and Local Member and agree with the conclusion and reasons for recommendation as set out in paragraph 3 of the report.

38.5 RESOLVED (1) not to uphold the objections as set out in Appendix 2 of the report; and  
(2) to recommend to the Director of Communities, Economy and Transport that the Order be made as advertised including a modification to replace the proposed disabled bay with permit holder parking.

The meeting ended at 11.06 am.

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Committee: **Regulatory  
Planning Committee**

Date: **19 October 2016**

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

Proposal: **Erection of 2No. Ferric Chloride Dosing Plant Kiosks,  
No.1 Desludge MCC Kiosk, 1No. Tertiary MCC Kiosk,  
1No. Alkalinity Dosing Plant Kiosk and a proposed  
screening mound.**

Site Address: **Uckfield Wastewater Treatment Works (WTW), Bridge  
Farm Road, Uckfield, TN22 1QQ**

Applicant: **Southern Water Services, Ltd**

Application No. **WD/778/CM**

Key Issues: **1. Purpose of the Development in the Countryside  
2. Siting, Design and Effect on Amenity  
3. Traffic and Access  
4. Effect on the Ashdown Forest SAC/SPA**

Contact Officer: **Katie Rayner, Tel No: 01273 481833**

Local Member: **Councillor Claire Dowling**

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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 Uckfield Wastewater Treatment Works (WTW) is located in the western part of Uckfield outside the development boundary. It occupies a large site of approximately 1.6 hectares on relatively flat ground. The site is bordered to the north by the Bellbrook Industrial Estate, to the west by the A22 and to the east and south by agricultural fields. The agricultural area to the south of the site has been identified within Wealden Council's Proposed Submission Sites Plan as a mixed use urban extension and an area of search for the

management of waste within the submission draft of the Waste and Minerals Sites Plan, which is currently in public examination. Ridgewood Stream, a tributary of the River Uck lies to the west of the site and as such the south-western corner of the application site falls within Flood Risk Zone 2. The closest residential properties to the site are located on Bridge Farm Road and Anvil Close, approximately 300 metres to the east.

1.2 The WTW contains various structures constructed in brick and dull-coloured concrete surrounded by tarmacked areas and closely-mown grass. The site is surrounded by a 2.5 metres high wire-mesh fence and benefits from some screening provided by trees located on its northern and western boundaries. The site is accessed from a private track which adjoins Bridge Farm Road to the east and provides the single access point to the site for vehicles. Bridge Farm Road in turn joins the B2102 New Town Road adjacent to Uckfield Train Station.

## **2. The Proposal**

2.1 Planning permission is sought for the installation of 5 above ground, walk-in kiosks, which are treated as buildings. The proposed works are required to improve the treatment process to provide sufficient capacity for the projected population growth in the area and to meet modern standards to ensure the site continues to operate effectively.

2.2 The proposed works will comprise of two Ferric Dosing kiosks, a Tertiary Motor Control Centre (MCC), an Alkalinity Dosing Kiosk and a Desludge MCC Kiosk, which will house, electrical equipment, storage tanks and dosing pumps in association with the operation of the WTW. It is proposed that all the kiosks will be constructed in a dark green glass reinforced plastic, with a flat roof and door in one elevation with associated walkway and stepped access points. While the measurements of each individual kiosk will vary slightly, all kiosks will measure approximately 9.7 metres in length by 4 metres in width, with a maximum height of 3.75 metres.

2.3 The construction of the proposed kiosks is to take place in conjunction with other associated above and below ground works, which will be carried out under permitted development rights in accordance with Part 4 (Temporary Buildings and uses) and Part 13 (Water and Sewerage) of the Town and Country Planning (General Permitted Development) Order 2015. These works, which do not form part of this application, will include the creation of a temporary Contractors' site compound to the east of the site, a new concrete slab for sludge pumps, replacement of deep bed sand filters, phosphate and iron sampling point, sludge holding tank pumping station, standby generator, screening handling plant and transformer kiosk. The combined works are required to ensure the WTW complies with the Environment Agency

requirements regarding the discharge of cess, and to improve the operation of the facility.

2.4 In addition, the applicant is seeking planning permission for the creation of a landscaping mound in the south-western corner of the site. The mound will be constructed utilising retained spoil from the excavation works of the proposed development. It is anticipated that the mound will occupy a rectangular shape covering an area of approximately 1160 square metres and will have a maximum height of 3.6 metres. The proposed landscape mound will provide an additional level of screening to the south of the site and in particular the deep sand bed filters, which are to be constructed in accordance with permitted development rights.

2.5 The proposed programme of work covers a period of 18 months, November 2016 to April 2018. This programme includes the site set up, construction phase, commissioning of new works and completion of site demobilisation and reinstatement. The proposed hours of construction are between 07.00 to 18.00 Monday to Fridays and 07.30 to 13.00 on Saturdays. The anticipated typical movements during the peak mobilisations period (4 weeks) would consist of 10 Heavy Good Vehicles (HGV) movements per week and up to 20 light vehicle movements per day, in addition to 2 crane vehicle deliveries. During the main construction period, 6 HGV movements are expected per week and up to 25 light vehicles movements per day. Following the completion of the development, the number of vehicle movements will return to the current operational levels and will therefore remain largely unchanged to the existing situation.

### **3. Site History**

3.1 The site has benefited from being in a waste management use for a number of years and has been subject to various applications for the upgrade of the facility, in order for it to continue to comply with the requirements of the water industry regulator, Office of Water Services (OFWAT) and the Environment Agency.

3.2 The most recent permission was granted in 2008 (Ref: WD/554/CM), for the construction of a wash water kiosk. Prior to this permission was granted in 2006 (Ref: WD/468/CM), for the provision of two kiosks to house Motor Control Centres (MCC) for the upgraded cess facility and inlet screens.

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

4.1 Wealden District Council: Raise no objections, subject to the following:

i) The impact of the proposed working hours commencing at 07:00 on residents of Bridge Farm Road should be very carefully considered, given the only access route is through a residential estate and vehicles are likely to arrive much earlier than this to be ready for a 7am start. Since the programme of work is scheduled to last approximately 18 months, it is recommended that a start time of 08:00 is more appropriate.

4.2 Uckfield Town Council: Resolved to whole heartedly support the application, which would be needed to serve the forthcoming developments in Uckfield.

4.3 Environment Agency: Raises no objection to the development as proposed.

4.4 Highway Authority: Does not wish to restrict the grant of consent and notes the proposed construction traffic movements are not considered to be of a level to warrant any highway concern.

4.5 Flood Risk Management ESCC: Wish to make no comments on the application and consider the proposed development would neither significantly increase the amount of impermeable area, nor impact on the existing surface water flows, and will therefore not have a significant impact on surface water flood risk.

4.6 Local Representations: Two representations have been received from the occupiers of properties located on Farriers Way and Anvil Close, which raise the following issues: (i) Traffic associated with the treatment works has increased in number and size for many years and concern is raised with regard to this happening more regularly and early in the morning; (ii) The Bridge Farm Road is very narrow and residential parking is limited so many people park on the road and it is therefore not safe to allow further, larger HGVs down this residential street without plans including turning circles to show that they can safely negotiate the turns within the limited carriage way; (iii) It is suggested that a temporary access from A22 Uckfield Bypass is provided, to avoid increasing traffic within the Uckfield town centre and putting the safety of residents at risk; (iv) Further concern is raised with regard to the disturbance caused by vehicles using the private track, which runs behind the residential properties located on the northern side of Anvil Close, due to the poor surface conditions.

**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 WMP3d (Minimising & Managing Waste During Construction, Demolition & Excavation); WMP10 (Management of Waste Water and Sewage Sludge), WMP23a (Design Principles), WMP25 (General Amenity), WMP26 (Traffic Impacts) and WMP27 (Environment and Environmental Enhancement).

5.2 Wealden Local Plan 1998: Saved Policies GD2 (Development Boundaries), EN27 (General Amenity) and TR3 (Traffic Impact of New Development).

Wealden District Council has not formally determined whether its Saved Policies within 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: Policy WCS12 (Biodiversity).

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted on the 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. Currently saved development management policies contained in the Wealden Local Plan 1998 remain part of the Development Plan for the area.

5.4 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 the NPPF policies as far as relevant. Parts 7 (Requiring Good Design) and 11 (Conserving and Enhancing the Natural Environment) are relevant in this case.

5.5 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**

## **Purpose of the Development in the Countryside**

6.1 Policy WMP10 of the Waste and Minerals Plan supports proposals for the provision of new wastewater management, treatment and disposal facilities where the development is a necessary extension of existing infrastructure and where it is required to meet, inter alia, relevant environmental standards. Regard should also be had to Saved Policy GD2 of the Wealden Local Plan 1998, which resists development outside the development boundary unless it is in accordance with the specific policies of the Plan.

6.2 Uckfield WTW is an established wastewater treatment works, serving much of Uckfield and the local area. The scheme of proposed work forms part of a major programme of refurbishment and upgrading of existing wastewater treatment facilities and associated sewer infrastructure, required by the waste industry regulator, Office of Water Services (OFWAT) and the Environment Agency, to be put in place between 2015 and 2020. Principally, latest standards relate to the levels of phosphorous and ammonia in the discharges from the outfall.

6.3 The applicant has specified that the current treatment process cannot remove phosphorous and the proposed kiosk development is therefore considered necessary to provide the sufficient hydraulic and biological capacity at the WTW for the projected population growth forecast for the area and essential capital maintenance to ensure it can continue to operate effectively. The works will also replace the existing inefficient cess plant with more modern equipment that will provide a more efficient and effective processing system.

6.4 Uckfield WTW occupies a countryside location, outside of the development boundary for Uckfield. The WTW is long established and comprises the necessary infrastructure which serves the local community. Development to upgrade the works is required from time to time to meet appropriate standards and improve waste water discharge to the water environment. Such upgrades can usually be achieved within the existing operational area of the treatment works, which avoids the need to develop new facilities elsewhere. The current proposal is for 5 kiosks within the operational area of the WTW. Not only will this development seek to make best use of the existing WTW infrastructure, it would effectively contain development within the existing operational boundary of the WTW.

6.5 Overall, the works proposed allow for the increased capacity, enhanced effluent quality and efficiency at the site and is therefore supported by Policy WMP10 of the Waste and Minerals Plan. Furthermore, the proposed

development would be contained within the existing site and will not further encroach on the surrounding countryside, in accordance with Saved Policy GD2 of the Wealden Local Plan 1998.

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

6.6 Policy WMP23a of the Waste and Minerals Plan and Saved Policy EN27 of the Wealden Local Plan require proposals to be of a scale, form and character appropriate to its location and to respect the character of adjoining development. In addition, Policy WMP25 of the Waste and Minerals Plan requires proposals to 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. Furthermore, there should be no significant adverse impact on air quality or the acoustic environment, and adequate controls should be secured regarding dust, litter, noise and odour resulting from the development.

6.7 The proposed kiosks have been positioned, where possible, centrally within the site adjacent to existing structures. As previously mentioned the site benefits from a mature tree lined boundary to the west and north which provide a significant level of screening from wider views into the site from the adjoining A22 and Bellbrook Industrial Estate. To the south and east of the site is currently open agricultural land. Any views of the WTW from the properties to the east would be restricted by virtue of the distance and topography and the proposed structures will be seen against the backdrop of the existing buildings on the site. Moreover, the proposed kiosks are smaller buildings in comparison to the other plant structures currently on the site and would not, in themselves, cause an adverse visual effect. A holly green finish has also been specified for the kiosks, which will help them assimilate with the site and the rural character of the area.

6.8 In addition, the proposed landscaping mound will occupy a discreet area in the south-western corner of the site, which currently contains an embankment consisting of unmanaged grassland with tussock forming grasses. While at present the views in to the site from this aspect are limited, given the agricultural nature of the land, the applicant is aware of the future potential for the land to the south of the works to be developed for residential use and therefore seeks to retain spoil from the excavation works to provide an additional level of screening to this part of the site. This will effectively aid in reducing any potential future public views into the site from the south.

6.9 The operations resulting from the proposed kiosks are not odour generating and it is anticipated that as a result of the proposed development there should not be any adverse impacts in terms of odour at the site. In addition, the proposed kiosks will not produce a notable level of noise, as all

operational equipment will be enclosed within the buildings and any noise created as a result of the proposed development will be unnoticeable in relation to the surrounding land uses such as the A22 to the west and the industrial units within the Bellbrook Industrial Estate to the north of the site. However, it is considered that local residents may be subject to some noise disturbance during construction from machinery and vehicle movements. While the intervening distance would provide some noise attenuation, in order to protect the amenity of the occupiers of the residential properties to the east, it is proposed that the hours of construction are secured by condition to avoid the construction activities taking place at unsociable hours.

6.10 Additionally, the applicant is proposing to install some temporary lighting to assist during the construction period, for use namely during the shorter days in the winter months. A condition will be attached to any grant of planning permission to ensure that these will be used within the hours of construction only and turned off when not required. Further permanent low level task lighting at the site is proposed to be installed in the vicinity of the proposed kiosks, for use by the operational personnel when necessary. The proposed lighting would comprise of low energy LED Luminaires, with day-light sensing control, the details and location of which will be secured by an appropriate condition attached to any grant of planning permission. Existing lighting on the site is already in operation with no apparent adverse impacts and it is therefore considered that additional low level lighting will not have any adverse impact on the surrounding area or residential properties.

6.11 Overall, it is considered that given the extent of the existing screening on the site and the scale of the development proposed, there will be no adverse visual impact on the landscape or visual amenity. It is considered that the proposed development will not equate to any unacceptable levels of noise or odour and would respect the amenity of the residential properties to the east. Furthermore, the proposed landscape mound will be located in a discreet part of the site and will reduce the amount of waste leaving the site, whilst, providing appropriate screening. Consequently, the proposal accords with Policy WMP 23a and WMP25 of the Waste and Minerals Plan and Saved Policy EN27 of the Wealden Local Plan.

### **Traffic and Access**

6.12 Policy WMP26 of the Waste and Minerals Plan and Saved Policy TR3 of the Wealden Local Plan, require development proposals, to have adequate access arrangements, to not result in unacceptable safety hazards for other road users, or have an adverse impact on highway conditions, and have suitable turning and parking areas. Furthermore, Policy EN27 of the Wealden Local Plan requires development to not create an unacceptable adverse



impact on the amenities of adjoining developments and the neighbourhood in terms of traffic movements.

6.13 Two local residents occupying properties on Farriers Way and Anvil Close, have raised concerns with regard to the use of Bridge Farm Road, which runs through the residential estate to the east of the site and is the existing access to the WTW. It is suggested that the continued use of this road to access the facility is unsuitable given the residential nature of the area. Subsequently, both Objectors request that an access from the A22 would be preferable to reduce the impact on the residents in the area from vehicles accessing the site, particularly as activity at the site is to be increased for a temporary period during construction.

6.14 It is proposed that construction traffic will access the site from the existing access off Bridge Farm Road to the east, as the only access to the site. Parking for vehicles will be accommodated within the WTW site where sufficient space can be provided for loading, storage and turning. Traffic movements will be managed in accordance with Contractors' Project Environmental Plan, the details of which will be secured by appropriate condition attached to any grant of planning permission.

6.15 The overall construction vehicle movements associated with the proposed works are considered to be modest and the Highway Authority does not raise any objection to the scheme as the proposed movements are not of a level to warrant highway concern. Taking into consideration the comments of Wealden District Council, it is noted that some disturbance from the vehicle movements may occur for residents who live within close proximity to Bridge Farm Road. However, it is considered that a reduction in working hours at the site would have an impact on the duration of the proposed programme of works, effectively prolonging the required construction period. It is therefore suggested that a condition is proposed to restrict HGV movements to the site before 08.00 hours rather than the proposed 07.00 hours. Consequently, this will allow staff and smaller vehicles to access the site prior to this and subsequently avoid the need to extend the construction period of the works.

6.16 In terms of the access arrangements, Southern Water has considered providing temporary alternative access to the site for the duration of the works, including a new temporary access from the A22, as has been suggested. This was discounted for two main reasons. First, the driver for the scheme is a legal obligation with the Environment Agency to ensure the site is meeting the relevant phosphorus and ammonia removal levels by 2020. It would therefore not be viable to gain and implement the necessary highway consent to meet the deadlines set by the Environment Agency, given the works that would be required to create the new access. Notwithstanding the

need for gaining the relevant consent, the new access road would require the removal of a significant level of trees from the western site boundary to provide sufficient sight lines, which would have a detrimental impact on the surrounding landscape.

6.17 In addition, the applicant has specified that a practical approach to vehicles entering and leaving the site will be implemented by the Contractor to avoid any delays occurring outside the site and on Bridge Farm Road. The contact details of the site manager will also be made available to local residents to ensure a direct line of contact is available for concerns during the construction period. Furthermore, the disruption caused by the construction works will be for a temporary period and on completion of the works the operational traffic movements will not increase beyond existing levels.

6.18 In considering these matters, the proposal would not result in any unacceptable adverse effect on amenity and the suggested restriction of HGV movements to and from the site prior to 08.00 hours, will aid in managing the traffic impacts associated with the construction phase of the development. As a consequence it is not considered that the proposal conflicts with Policy WMP26 of the Waste and Minerals Plan or Saved Policies TR3 and EN27 of the Wealden Local Plan.

#### **Effect on the Ashdown Forest SAC/SP**

6.19 The application site lies within 7 kilometres (km) of the Ashdown Forest, parts of which are designated as a Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), thereby affording it the highest protection in nature conservation terms.

6.20 Policy WCS12 of the Wealden District Council Core Strategy Local Plan requires development proposals located within 7km of the Ashdown Forest which would, individually or in combination with other development, increase recreation and traffic pressures upon the internationally designated areas, to mitigate its own impact. This approach is echoed within Policy WMP27 of the Waste and Minerals Plan which requires proposals to have no significant adverse impact on sites of national and local importance for nature conservation. Furthermore, waste or mineral developments that are likely to result in an increase of more than 200 heavy duty vehicles per day on any road that lies within 200 metres of a European site, will be subject to a project level Habitats Regulation Assessment (HRA) screening to evaluate air quality impacts.

6.21 It is estimated that during the mobilisation stage (4 weeks) of the proposed works there would be approximately 10 HGV movements, and 20 light vehicles per day in addition to 2 crane vehicles, over the period.

Following this it is estimated that during the main construction phase there would be 6 HGV movements per week and 25 light vehicles per day. These trips will be undertaken for a temporary period, in addition to the existing movements associated with the continued operation of the facility. On completion of the development, it is not anticipated that there would be any increase in visits to the site over and above the existing frequency.

6.22 The main consideration for the current proposal with regard to the Ashdown Forest, is whether it would be adversely affected by the increase in nitrogen emissions resulting from the increase in vehicle movements to and from the site. Most vehicles will emit nitrogen compounds and traffic movements associated with this proposal will contribute to overall emissions. However, given the nature of the proposed development and the anticipated number of vehicle movements, it is not considered that there will be a material affect on the Ashdown Forest as a result of nitrogen levels arising from traffic generated by the proposed development.

## **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 construction of 5 walk-in kiosks to facilitate a legal obligation with the Environment Agency to ensure that the site is meeting the relevant phosphorous and ammonia removal levels, to improve the quality of the wastewater discharge into the water environment, in addition, to other upgrading works to ensure the effectiveness of the treatment process. The proposed kiosks would be located centrally within the WTW and would integrate well with the existing infrastructure on the site. The site is well screened from public views and it is considered that the local landscape would be unaffected by the proposed development. Access to the site would continue to utilise the Bridge Farm Road and the site provides adequate space for the parking, loading, storage and turning of vehicles. The movements associated with the construction works are considered to be modest and it is therefore considered that there would be no unacceptable effect on amenity. The proposal therefore complies with WMP3d, WMP10, WMP23a, WMP25, WMP26 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policies GD2, EN27 and TR3 of the Wealden Local Plan and Policy WCS12 of the Wealden

District (incorporating part of the South Downs National Park) Local Development Framework, Core Strategy 2013.

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

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

## **8. Recommendation**

8.1 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. No works or activities associated with the development hereby permitted shall be carried out and no deliveries shall be taken to or dispatched from the site in connection with the construction of the development hereby permitted other than between the hours of 07.00 to 18.00 on Mondays to Fridays inclusive and 07.30 to 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holiday, except for works of essential maintenance or which are to respond to an emergency, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. No later than two working days 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: To safeguard the amenities of the locality in general, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

4. Notwithstanding the requirements of Condition 3 above, no deliveries by heavy goods vehicles (over 7.5 tonnes) shall be taken or dispatched from the site in connection with the construction of the development hereby permitted other than between the hours of 08.00 to 18.00 on Mondays to Fridays inclusive and 08.00 to 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: In the interest of highway safety and safeguarding the amenities of persons in the locality, in accordance with Policies WMP26 and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

5. Prior to the commencement of development, the Contractors Project Environmental Plan shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The construction of the development shall be carried out in full accordance with the approved details, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interest of highway safety and amenity, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

6. Prior to the development hereby permitted being brought into use a landscaping scheme, including proposals for the tree and understory shrub planting on the southern and eastern boundary of the site, noting species and location, together with a programme for the implementation and maintenance shall be submitted to and approved by the Director of Communities, Economy and Transport. The planting shall thereafter be undertaken during the first available planting season following the approval of the details and maintained in accordance with the approved scheme.

Reason: To close the gaps in the existing tree belt on the southern and eastern boundary of the site to integrate the development effectively into the surrounding environment and in the interest of the visual amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

7. All trees and hedgerows within the application site shall be retained and protected in accordance with BS 5837:2015 - Trees in Relation to Design, Demolition and Construction. In the event that any trees or hedgerows are removed or seriously damaged as a result of construction activities, they shall be replaced in the next planting season following

completion of construction, in accordance with details which are first submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure the protection of existing trees and hedgerows in the interests of visual amenity and biodiversity, in accordance with Policy WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. No lighting and no powered generators associated with the construction of the development hereby permitted shall be operated outside the permitted operating hours set out in Condition 3, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of the occupiers of properties within the vicinity of the site and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

9. Prior to the development hereby permitted being brought into use, details of the proposed artificial external permanent lighting to be installed at the site, including type, location, hours of use and layout plan with beam orientation, shall be submitted to and approved by the Director of Communities, Economy and Transport. The lighting shall be installed in accordance with the approved details, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of the occupiers of properties within the vicinity of the site and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

10. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site. The facilities shall be retained in working order at all times and shall be used by construction related vehicles 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: In the interests of highway safety and amenity of the locality, in accordance with Policies WMP26 and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

## INFORMATIVES

1. The Applicant's attention is drawn to the provisions of The Wildlife and Countryside Act 1981 (as amended) particularly with regard to the

protection of reptiles, bats and nesting birds, which may be affected during the proposed operations.

2. The Applicant's attention is drawn to their responsibility to maintain the private access track to the site, which adjoins Bridge Farm Road, in good order to avoid any adverse impact from the use of the road on the amenity of adjoining residential properties.

#### Schedule of Approved Plans

Site Layout Plan JN.639102.0Z0709 Rev C, Alkalinity Dosing Plant Plan & Elevations JN.639102.0Z0705 Rev B, Ferric Dosing Plant Plan & Elevations Sheet 1 of 2 JN.639102.0Z0706 Rev B, Ferric Dosing Plant Plan & Elevations Sheet 2 of 2 JN.639102.0Z0711 Rev A, Sludge MCC Kiosk Plan & Elevations JN.639102.0Z0710 Rev A, Tertiary MCC Kiosk Plan & Elevations JN.639102.0Z1904 Rev B, Landscaped Area Plan & Sections JN.639102.0Z0712 Rev A, Site Location Plan JN.639102.0Z0708 Rev C

RUPERT CLUBB

Director of Communities, Economy and Transport

11 October 2016

#### **BACKGROUND DOCUMENTS**

Planning Application File WD/778/CM

The Development Plan

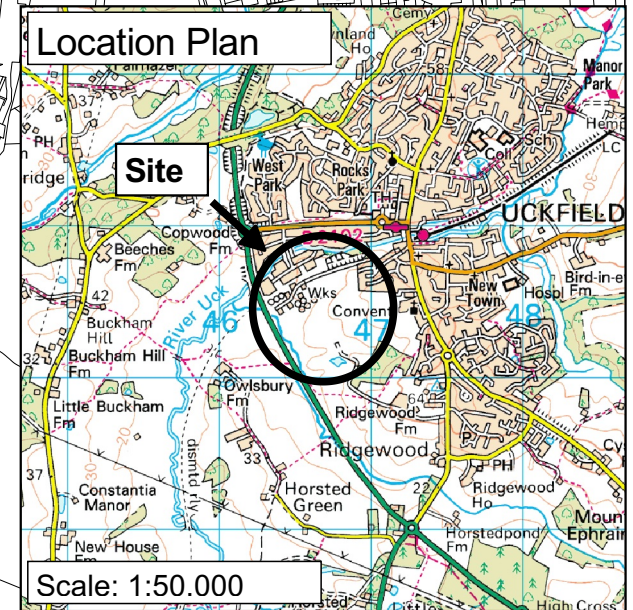
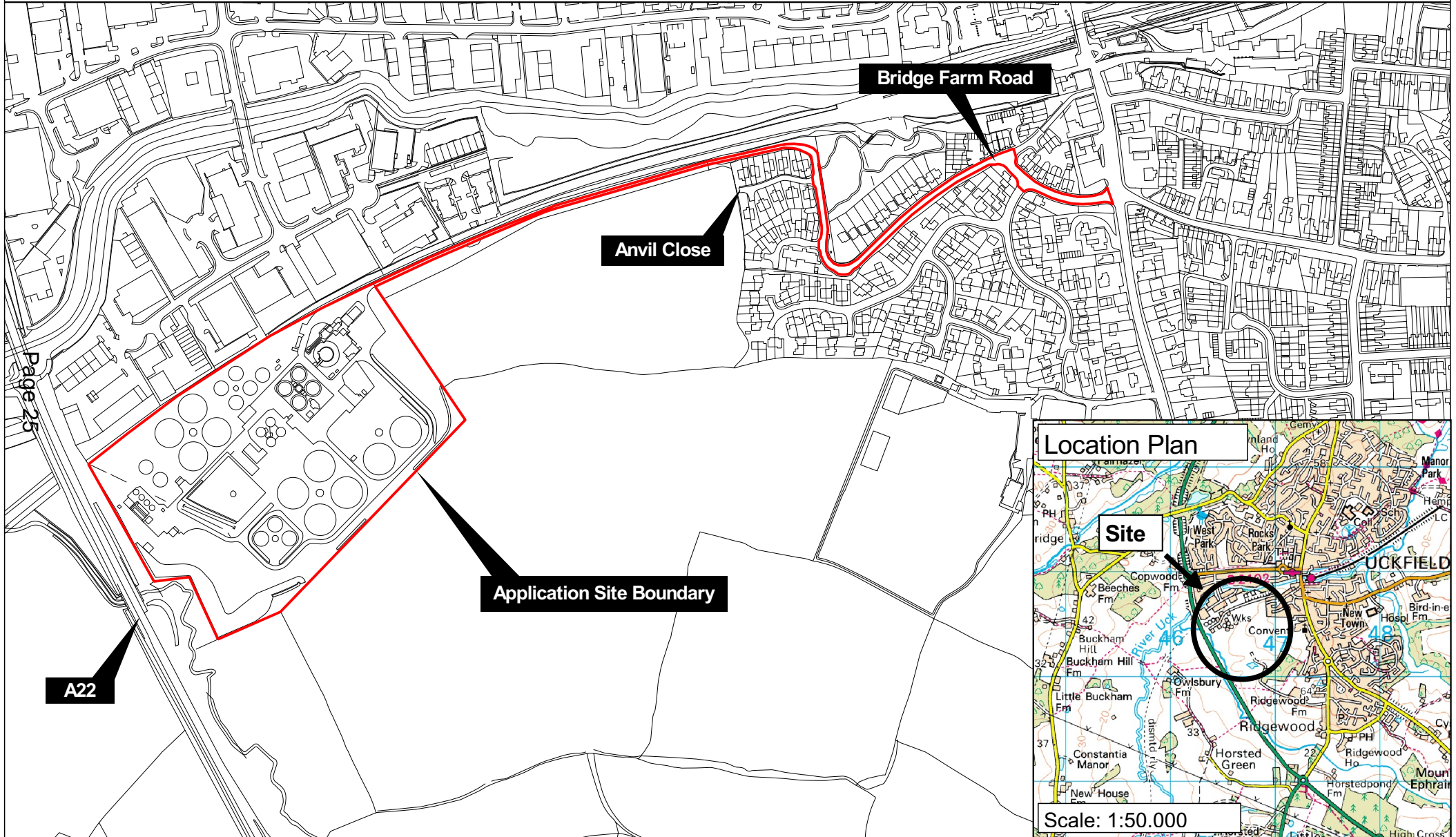
National Planning Policy Framework

National Planning Policy for Waste

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WD/778/CM  
Uckfield Waste Water Treatment Works, Bridge Farm Road,  
Uckfield



Scale: 1:5,000

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: **19 October 2016**

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

Proposal: **Part demolition of building and removal of double mobile classroom to facilitate two storey extensions (x2) to the main School building to create 5no additional classrooms, and associated ancillary spaces including offices, stores and WCs to increase the capacity of the School to a 3 form of entry.**

Site Address: **Cradle Hill Community Primary School, Lexden Road, Seaford, BN25 3BA**

Applicant: **Business Services Department, East Sussex County Council**

Application No. **LW/3322/CC**

Key Issues: **(i) Need  
(ii) Siting & Design  
(iii) Traffic considerations  
(iv) Effect on Amenity**

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

Local Member: **Councillor Carolyn Lambert**

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## **SUMMARY OF RECOMMENDATIONS**

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

- i. The completion of a Legal Agreement or Undertaking requiring a contribution of £5000 towards alterations to the Traffic Regulation Order to include additional 'keep clear' markings outside the School, a bus clearway on Lexden Drive, junction protection parking restrictions, the provision of 9 sets of pedestrian crossing points, and any other reasonable ancillary requirements; and
- ii. To authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Legal Agreement or 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.

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

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

1.1 Cradle Hill Community Primary School is located to the east of Lexden Road and to the south of Lexden Drive in Seaford. It is situated within a predominantly residential area of the northern fringes of Seaford and is approximately 2 kilometres north of the town centre. The site is 2.4 hectares in area and is surrounded by the rear gardens of residential properties in Lexden Road (west), Lexden Drive (north), Pitt Drive (east) and Quarry Lane (south).

1.2 The School dates from the 1960s and has been extended over time. It comprises one and two storey buildings with flat or mono-pitched roofs. The site is arranged with the main School buildings orientated east-west across the northern part of the site with the Infant School to the west and the Junior School to the east. To the south of the School building is an internal courtyard with an adjoining mobile double classroom unit, beyond which a large playing field extends to the southern boundary. The School site slopes down from north to south, the total fall being approximately 10 metres. A Children's Centre is present in the north-east corner of the School site, which was built in 2010/11. The main access to the site is gated and controlled both for pedestrians and vehicles and is from Lexden Road to the north-west. This access leads to a car park on the northern side of the School buildings. A second pedestrian access to the School is present from Pitt Drive on the eastern side of the site.

### **2. The Proposal**

2.1 It is proposed to demolish the single storey part of the western side of the existing School building, comprising some 122 square metres in area, and introduce two new 2-storey extensions providing 921 square metres of gross floor space. The new extensions would be attached to existing 2-storey parts of the School and would be flat roofed with parapets. They would provide for an additional 5 classrooms and a multi-use room, which would be used as a classroom. It would also allow for the conversion of an existing ICT room into a classroom, thereby creating 7 new classrooms, resulting in an overall provision of 21 classrooms at the School (7 No. year groups with 3 classrooms each), as well as creating associated ancillary spaces. The increase in the number of pupils would be from the current 480 rising year on year to 630 when the final intake would be made in September 2021.

2.2 The new extensions would be rectangular in shape and located to the north of the School site, making them easily accessible from the access road

for construction purposes. The design and use of materials of the new extensions would seek to complement the existing building. The larger, western extension would comprise light grey/buff brickwork with areas of fibre cement rain screen cladding in blue/grey and incorporate three roof-lights; the smaller extension would match the adjoining existing elevations with red brick and white cladding infill panels. Increased security measures would also be introduced at the School and an additional 10 cycle parking spaces would be provided. An existing double mobile classroom unit would be removed at or before the end of its temporary planning permission.

2.3 Some internal changes would also be made within the existing building to provide for greater circulation space between the Infant and Junior wings of the School and to allow for the creation of year group clusters. All Reception Year classrooms would have access to a covered external teaching space at the western side of the School.

### **3. Site History**

3.1 The School has benefited from various planning permissions over the last ten years both to enlarge the premises and provide for additional facilities. Permission was granted (ref. LW/2809/CC) in 2009 for a 2 storeys extension and circulation space to the rear of the existing building providing 4 classrooms to replace two double mobile classroom units and a single storey extension to the ICT suite, together with other ancillary development. The last permission was granted in August 2015 and provided for a double mobile classroom unit, a new multi use games area (which has not been implemented) and an extension to the car park to provide for an additional 7 spaces (ref. LW/3261/CC).

3.2 Two further applications are currently being considered for development at the School: (i) LW/3320/CC for the construction of a fenced tarmac play area on the north western boundary of the school playing field with associated access route from the Reception playground to the west of the main school building; and (ii) LW/3334/CC for the provision of new porous artificial turf on the existing school playing field to follow existing site contours.

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

4.1 Lewes District Council raises no objections.

4.2 Seaford Town Council raises no objections.

4.3 Highway Authority raises no objections, in principle, subject to: (i) The inclusion of a Legal Agreement or Undertaking to provide a contribution of £5000 towards alterations to the Traffic Regulation Order procedure for additional 'keep clear' markings outside the School, a bus clearway on Lexden Drive, further junction protection parking restrictions and the provision of 9 sets of pedestrian crossing points; and (ii) Conditions, regarding a construction traffic management scheme, wheel washing facilities, the provision of scooter/cycle parking and an updated Travel Plan.

4.4 Flood Risk Management ESCC comments that the proposals for managing surface water drainage are acceptable, in principle. However, conditions are recommended regarding the undertaking of ground investigations, the submission of hydraulic calculations and the submission of a maintenance and management plan for the drainage system.

4.5 Sussex Police (Crime Prevention Design) notes that the site benefits from having a shared secure boundary with the surrounding residential area on all sides, except for the main vehicular and pedestrian entrance off Lexden Road, which is gated and overlooked, and a pedestrian only entrance from Pitt Drive, which is also securely gated. It is noted that the existing intruder alarm system and CCTV monitoring will be extended to the new extensions. No objections are raised.

4.6 Representations: 17 representations have been received from local residents, who raise objections, most of which refer to the increase in traffic that would occur following the development. It is noted that the increase in the volume of traffic would create more congestion and parking problems on the streets, particularly in Lexden Road and lead to a further risk of accidents and near misses. Lexden Road is a residential road and accommodates a bus route but is used as a main road and rat-run. Residents are adversely affected due to inconsiderate parking and the use of the road by people using the school. Removing the ability to park by school users in Lexden Road would remove problems of congestion, pollution and the dangers from crossing. There is insufficient safe parking at the school and it is not large enough to accommodate additional pupils. The current transport plan does not reflect all the available options and is not sufficient to keep people safe. The existing road markings are unenforceable.

Other objections involve the loss of privacy and amenity through noise from slamming car doors and through the construction of the building. The new 2-storey building on the western side will allow for overlooking into rear gardens and houses and affect the amenity of users of the gardens. There could be a decrease in property prices. Any external/security lighting should be kept to a minimum. Moreover, construction works could cause hazards to children on the site. The gated access at the front of the school needs to be managed properly to avoid congestion. There are no dropped kerbs for wheelchairs/pushchairs. Furthermore, users of the school are abusive and drop litter. The removal of the mobile classroom is a waste of money and the Newlands School site should be used instead.

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

5.1 Lewes District Local Plan 2003: Saved Policy ST3 (Design, Form & Setting of Development). Lewes District Council has undertaken an assessment of the Saved Policies in its Local Plan to evaluate their conformity with the NPPF. Saved Policy ST3 is considered to be fully consistent with the NPPF.

5.2 Lewes District Local Plan: Part 1 Joint Core Strategy 2010-2030, May 2016: Policies: CP7 (Infrastructure), CP11 (Built and Historic Environment and High Quality Design), CP12 (Flood Risk) and CP13 (Sustainable Travel).

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

5.4 National Planning Policy Framework (NPPF) 2012

The 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. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 72 in Part 8 (Promoting healthy communities) states that 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. Parts 4 (Promoting sustainable transport) and 7 (Requiring good design) are also relevant.

5.5 Policy Statement on Planning for Schools Development 2011

This 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 such schools. The policy statement encourages a collaborative approach to applications, encouraging pre-application discussions and use of planning obligations to help mitigate adverse effects 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 Planning Practice 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 Under Part 8 of the NPPF, the Government advises how the planning system can be used to promote healthy communities. A component of this is the importance attached to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Furthermore, the Policy Statement on Planning for Schools Development states that there is a presumption in favour of development of state funded schools. Core Policy 7 of the Lewes District Core Strategy supports the development of community infrastructure, including schools.

6.2 The applicant has identified Cradle Hill School as being capable of expansion and to cater for an increase in school age children. However, it has not given an explanation as to why this School has been identified for the level of proposed expansion compared to other schools, or why the expansion of school places generally could not have been met by sharing places between different schools.

6.3 Cradle Hill School has already undergone growth through the addition of a two storeys classroom extension granted in 2009, which, inter alia, provided four additional classrooms and a single storey extension to the ICT room. In 2015, the increasing pupil intake necessitated the addition of a temporary mobile unit to provide for an additional two classrooms. The current proposal is seeking a significant expansion to the School to accommodate an additional 150 pupils, together with 5 full time and 9 support staff. This increase in pupil numbers started in September 2015 with 30 pupils using one of the classrooms in the mobile unit and another 30 using the second classroom from September 2016. Thereafter, a further 30 children will be included each year up to September 2021. From that point, the School will operate with 630 pupils plus the associated teaching staff. Despite the lack of information, regarding the choice of Cradle Hill School for proposed expansion, there nevertheless appears to be a need to increase the School's capacity to accommodate a growing population in the local area.

6.4 Taking account of the above matters and the weight attached to policy advice in the NPPF and the Policy Statement on Planning for Schools Development, together with Core Policy 7 in the Lewes District Core Strategy, the proposal should be supported in principle.

### **Siting and Design**

6.5 Core Policy 11 of the Lewes District Core Strategy seeks to secure high quality design to assist in the creation of sustainable places and communities. Saved Policy ST3 in the Lewes Local Plan sets out a range of considerations, which should be taken into account, regarding the design, form and setting of development. Development should, inter alia, respect the overall scale, height, massing, site coverage and landscaping of neighbouring buildings and the local area, materials should be of a quality, type colour and design which is appropriate to the character of the local area and development should consider the enclosure of spaces around buildings and should be designed to take account of overlooking. Part 7 of the NPPF also promotes good design in development.

6.6 The proposed extensions are rectangular in plan form and would be 2 storeys in height, which would connect to existing 2 storey parts of the School. They would be flat-roofed with parapets and would be similar in height to the adjoining buildings. The new extensions would make use of the space around the existing building with the smaller, north-eastern extension occupying an existing recess. The larger, western extension would also be constructed within a recess, although would stand at 2 storeys in height, compared to the existing single storey building, which would be demolished. The new



extension would encroach upon the existing Reception Year outdoor playground, a matter which the applicant has not indicated would create an adverse effect to the provision of play space.

6.7 The proposed use of materials would seek to complement existing building materials. Whereas the proposed materials for the eastern extension would match those of the adjoining building, the western extension would use different materials, including for texture and colour, such as the buff/grey brickwork and blue/grey rain-screen cladding. This would provide some distinctiveness and focus to the main extension, which is pertinent, as this would accommodate the main entrance to the School.

6.8 The proposal would also seek to open up the circulation route between the Infant and Junior areas within the buildings and create year group clusters, with each cluster having access to cloak areas, group rooms and toilets. The internal changes would also facilitate the re-location of the staff room to the western side of the School, which would be nearer to the main entrance and administrative area.

6.9 In terms of the siting and design of the proposed extensions within the School site, the development is considered to be acceptable and in accordance with Core Policy 11 of the Lewes District Core Strategy, Saved Policy ST3 in the Lewes Local Plan and Part 7 of the NPPF.

### **Traffic considerations**

6.10 Core Policy 13 of the Lewes District Core Strategy supports development that encourages travel through walking, cycling and public transport while reducing the proportion of journeys made by car in order to help achieve a re-balancing of transport in favour of sustainable modes. Part 4 of the NPPF also refers to the need for the transport system to be balanced in favour of sustainable transport modes.

6.11 Following negotiations with the applicant, regarding the proposed measures to support the proposed development and improve highway conditions in the vicinity of the School, the Highway Authority is now able to recommend approval of the proposed development, subject to controls.

6.12 As with many other schools, the dropping off and collection times at Cradle Hill School can result in significant increases in traffic in the vicinity of the School, which can lead to congestion and inappropriate parking. This can then result in poor visibility for both pedestrians and drivers, disturbance to residents and ultimately, potential hazards. Several residents and users of the School have raised concerns regarding these issues and while it is not possible to fully address all of the shortcomings in the use of the public highway at peak times, improvements can still be undertaken to lessen the effect of the proposed development on the surrounding area.

6.13 Such improvements have been agreed, in principle, between the applicant and the Highway Authority and involve the inclusion of additional

School 'keep clear' markings, a pedestrian crossing point across Lexden Road close to the main access to the School, a further 8 pedestrian crossing points, which correlate to the catchment area and pupil walking routes, and junction protection in the form of parking restrictions.

6.14 Although representations have noted that a school crossing patrol on Lexden Road would provide for greater safety, the County Council's Traffic Safety Team has concluded that due to the extent of the existing footfall to the School, the criteria for such a patrol has not been met and therefore, it is not currently required. However, the existing 'keep clear' markings outside the School have now been made enforceable from 3<sup>rd</sup> October 2016.

6.15 Surveys into establishing how children travel to the School have revealed that currently only 33% of pupils walk, whereas 55% of pupils live within walking distance. This percentage of pupils walking to School is considered to be low and should be significantly increased. It is therefore important that the School encourages all users of the premises to find alternative, more sustainable means of transport. This is of particular relevance to staff, as there are no proposals for additional parking within the School site due to a lack of suitable land. The School's Travel Plan should play a crucial role in encouraging more sustainable travel, by promoting more incentives for cycling and scootering, walking, car sharing and using the bus. The use of the Travel Plan in this way is supported by Core Policy 13 of the Lewes District Core Strategy and the provisions of Part 4 of the NPPF.

6.16 Although the proposed development is likely to result in some additional disruption to the use of the public highway in the vicinity of the School, particularly at peak times, the proposed measures to improve the surrounding highway network should go some way to reduce any adverse effects. The NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. In this case, it is not considered that the proposal will result in 'severe' impacts and therefore, planning permission should not be refused on highway grounds. As such, the proposal can be supported in highway terms.

### **Effect on Amenity**

6.17 Saved Policy ST3 of the Lewes Local Plan requires that development should respect the amenities of adjoining properties in terms of, inter alia, noise, privacy and visual amenities.

6.18 It is considered that the proposed eastern extension would result in no adverse effect to the amenity of nearby occupiers of residential properties due to the scale and form of the development and the distance (some 45 metres) from the School boundary. However, the proposed extension on the western side of the School would be located nearer to adjoining residential properties and would stand at 2 storeys in height compared to the current single storey building, which would be demolished. Although part of the existing 2 storeys building at the south-western corner of the School is only 7 metres from the

nearest rear garden boundary, it has no windows on its western elevation and therefore, no potential for overlooking. However, the new extension, some 10 metres from the boundary, would have windows at first floor level, thereby some potential for overlooking could occur.

6.19 Local residents have raised concerns regarding the potential effect of overlooking and the loss of privacy, particularly from the new rooms at first floor level, into their gardens and homes. However, although the location and extent of the new extension would be more apparent to adjoining residents, the existing natural tree and shrub screening at the boundary would be likely to prevent intrusive overlooking. Moreover, the classroom and staff room uses within the extension at first floor level are unlikely to provide opportunities for prolonged overlooking.

6.20 In terms of the potential for noise and dust emissions resulting from the demolition and construction works, it is likely that some disturbance will occur to the occupiers of the nearest residential properties. However, to reduce the potential effects, a condition is recommended requiring the applicant to submit details regarding noise and dust mitigation and how communications will be carried out with neighbours to inform them of planned activities being undertaken at the site.

6.21 Construction activities will be likely to result in some disturbance to local residents but subject to good working practices being undertaken by the contractors to reduce any adverse effects and keep neighbours informed of proceedings, any such effects should be able to be adequately mitigated. Once the building works are complete, it is not anticipated that there would be an unacceptable level of intrusion from overlooking into adjoining residential properties. Therefore, it is not considered that there would, overall, be an unacceptable adverse effect on amenity which would conflict with Saved Policy ST3 of the Lewes District Local Plan.

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

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

7.2 The proposal is for a significant expansion of Cradle Hill School from a 2 form entry level to a 3 form entry level, reaching capacity in September 2021. Two new extensions are proposed together with other internal alterations, which would facilitate the required new accommodation. The western extension will be constructed closer to the boundary with residential properties than is currently the case and while there might be some loss of privacy, it would be unlikely to be significant. Measures for improvements to the public highway in the vicinity of the School are required, which should provide for a safer environment, although it is accepted that an increase in children at the School will be likely, overall, to create some additional disturbance at peak times to local residents. Despite this and taking all

matters into account, including the need to provide children with local educational facilities that are fit for purpose, the proposal is considered to be acceptable in planning terms, subject to the completion of a Legal Agreement or Undertaking and to conditions. As such, the proposal complies with Core Policies 7, 11, 12 and 13 of the Lewes District Local Plan Joint Core Strategy 2016, Saved Policy ST3 of the Lewes District Local Plan 2003, and the provisions of Parts 4, 7 and 8 of the National Planning Policy Framework 2012 and the Policy Statement on Planning for Schools Development 2011.

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

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

## **8. Recommendation**

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

(i) To authorise the Director of Communities, Economy and Transport to secure, in conjunction with the Assistant Chief Executive, a Legal Agreement or Undertaking requiring a contribution of £5000 towards alterations to the Traffic Regulation Order to include additional 'keep clear' markings outside the School, a bus clearway on Lexden Drive, junction protection parking restrictions, the provision of 9 sets of pedestrian crossing points, and any other reasonable ancillary requirements; and

(ii) To authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Legal Agreement or Undertaking subject to conditions along the lines as indicated in Paragraph 8.2 of this report.

(iii) 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.

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 development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The Plan shall include details of how noise and dust emissions and any external lighting will be controlled and minimised during the construction of the approved development to the benefit of occupiers of nearby properties. Details shall also be included on how the applicant/contractor will keep neighbours informed of the activities at the site, which may include letter drops and public liaison meetings. The approved Plan shall be carried out in full.

Reason: In the interests of safeguarding the amenity of local residents, in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003.

4. During construction of the development hereby permitted, no machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site other than between the hours of 08.00 and 17.30 on Mondays to Fridays inclusive and between 08.30 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site in accordance with Saved Policy ST3 of the Lewes Local Plan 2003.

5. No works shall commence on site including the carrying out of any works of demolition until a detailed strategy and method statement has been submitted to and approved in writing by the Director of Communities, Economy and Transport for securing and demonstrating that the amount of construction waste resulting from the development has been reduced to smallest amount possible. The statement shall include details of the extent to which waste materials arising from the excavation and construction activities 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 in accordance with best practice. All waste materials from the demolition and construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WMP3d of the East

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

6. The surface water management proposals formulated for the detailed design stage shall be supported by detailed hydraulic calculations which shall be submitted to the Director of Communities, Economy and Transport for written approval. These calculations should take into account the connectivity of the different drainage features and should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The approved proposals shall be implemented in full.

Reason: To minimise the potential for flooding, in accordance with Core Policy 12 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 10 of the National Planning Policy Framework 2012.

7. No development shall take place until ground investigations have been undertaken at the site to confirm groundwater levels and infiltration rates and the details of the investigations shall be submitted to the Director of Communities, Economy and Transport for consideration and written approval. The investigations shall include soakage testing in accordance with BRE365. Any drainage measures that are required as a result of the ground investigations shall be implemented in accordance with details first to be agreed in writing with the Director of Communities, Economy and Transport.

Reason: To minimise the potential for flooding, in accordance with Core Policy 12 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 10 of the National Planning Policy Framework 2012.

8. Before occupation of the development a maintenance and management plan for the entire drainage system relating to the development shall be submitted to the Director of Communities, Economy and Transport for consideration and written approval. The plan shall clearly state which party will be responsible for managing all aspects of the surface water drainage system, including piped drains. The approved plan shall be implemented in full.

Reason: To minimise the potential for flooding, in accordance with Core Policy 12 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 10 of the National Planning Policy Framework 2012.

9. Prior to any ground works or demolition works commencing on site a full Construction Traffic Management Scheme (CTMS) shall be submitted to and approved by the Director of Communities, Economy and Transport. This shall include details on the size of vehicles, the routing of vehicles

and the hours of operation. The hours of delivery and collection should avoid peak traffic flow times and AM/PM peak school travel times. Details should also be provided on contractors' parking which should be provided off-street. The approved CTMS shall be implemented in full.

Reason: In the interests of highway safety and the amenity of persons within the locality, in accordance with Core Policy 13 of the Lewes District Local Plan Joint Core Strategy 2016, Saved Policy ST3 of the Lewes District Local Plan 2003 and the provisions of Part 4 of the National Planning Policy Framework 2012.

10. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site, details of which shall be first submitted to the Director of Communities, Economy and Transport for approval. The approved equipment shall be installed and used for the duration of the earthworks and/or excavations. No vehicle used in connection with the earthworks and/or excavations shall leave the site with mud or other debris on its wheels or bodywork.

Reason: In the interests of highway safety and the amenity of persons within the locality, in accordance with Core Policy 13 of the Lewes District Local Plan Joint Core Strategy 2016 and Saved Policy ST3 of the Lewes District Local Plan 2003.

11. The development shall not be occupied until the cycle and scooter parking areas as shown on approved drawing DR-A-0101-SO-E (Proposed Site Plan) have been provided in accordance with the details on the Site Plan and these areas shall thereafter be retained for these uses and shall not be used other than for the parking of cycles and scooters.

Reason: In order that the development is accessible by non car modes of travel and to contribute to meeting the objectives of sustainable development, in accordance with Core Policy 13 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 4 of the National Planning Policy Framework 2012.

12. An updated Travel Plan is required to support this development and shall be submitted to the Director of Communities, Economy and Transport for written approval before the occupation of the development hereby permitted. The Travel Plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. This will need to recommend realistic proposals in providing for and improving non-car modes of travel through walking, cycling and the use of public transport and assess the residual impact of the development on the surrounding highway network including ameliorative measures, as necessary, which shall be first agreed in writing with the Director of Communities, Economy and Transport. The Travel Plan shall be carried out in accordance with the approved proposals.

Reason: To ensure that private car trips to and from the site are reduced to contribute to meeting the objectives of sustainable development, in accordance with Core Policy 13 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 4 of the National Planning Policy Framework 2012.

## INFORMATIVE

1. Due to the restricted nature of the public highway in the vicinity of the site, construction traffic could damage the carriageway/verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex Highways on 0345 6080193 to arrange a photographic survey and joint inspection of the local highway network.

### Schedule of Approved Plans

DR-A-0100-S0 - Location Plan, DR-A-0107-S0 - Existing Elevations, DR-A-0108-S0 - Existing Ground Floor Plan, DR-A-0109-S0 - Existing First Floor Plan, DR-A-0110-S0-C - Proposed Ground Floor Plan, DR-A-0111-S0-C - Proposed First Floor Plan, DR-A-0130-S0-B - Proposed Sections, DR-A-0116-S0-B- Proposed Roof Plan, DR-C-0050-S0-B - Drainage Plan, DR-A-0101-S0-E - Proposed Site Plan , DR-A-0103-S0-D - Proposed Bike Racks, H16170-P-501-A - Existing Drainage Aquatech, 0275-MBA-00-00-DR-A-0120-50-F - Proposed Elevations, Potential options for highway improvements - UKP-168-001 Rev B

RUPERT CLUBB

Director of Communities, Economy and Transport  
11 October 2016

### **BACKGROUND DOCUMENTS**

Application files LW/3322/CC, LW/3320/CC & LW/3334/CC

Planning permissions LW/3261/CC & LW/2809/CC

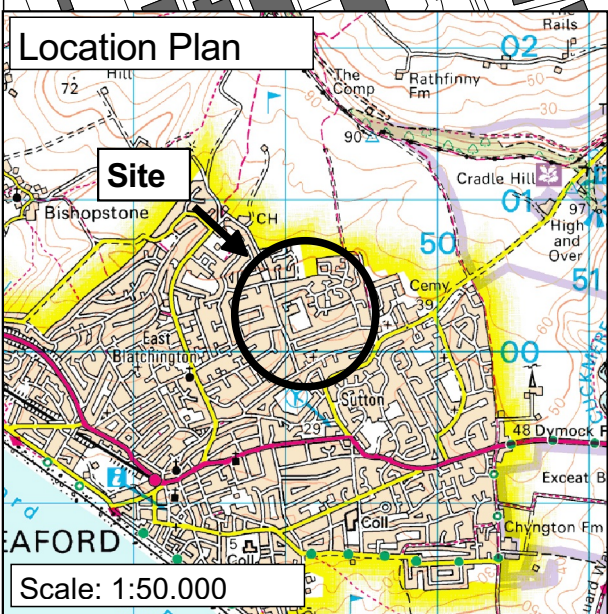
The Development Plan

NPPF



LW/3322/CC

Cradle Hill Community Primary School, Lexden Road,  
Seaford



Scale: 1:1,750

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Director of Communities,  
Economy and Transport  
East Sussex County Council

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Committee: **Regulatory  
Planning Committee**

Date: **19 October 2016**

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

Proposal: **Construction of a fenced tarmac play area on north western boundary of the School playing field, with associated access route from the reception playground to the west of the main School building**

Site Address: **Cradle Hill Community Primary School, Lexden Road, Seaford, BN25 3BA.**

Applicant: **Business Services Department, East Sussex County Council**

Application No. **LW/3320/CC**

Key Issues: **(i) Need  
(ii) Effect on amenity  
(iii) Effect on playing field**

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

Local Member: **Councillor Carolyn Lambert**

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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 Cradle Hill Community Primary School is located to the east of Lexden Road and to the south of Lexden Drive in Seaford. It is situated within a predominantly residential area of the northern fringes of Seaford and is approximately 2 kilometres north of the town centre. The site is 2.4 hectares in area and is surrounded by the rear gardens of residential properties in Lexden Road (west), Lexden Drive (north), Pitt Drive (east) and Quarry Lane (south).

1.2 The School dates from the 1960s and has been extended over time. It comprises one and two storey buildings with flat or mono-pitch roofs. The site is arranged with the main School buildings orientated east-west across the northern part of the site with the Infant School to the west and the Junior School to the east. To the south of the School building is an internal courtyard, including a mobile double classroom unit, beyond which a large playing field extends to the southern boundary. The School site slopes down from north to south, the total fall being approximately 10 metres. A Children's Centre is present in the north-east corner of the School site, which was built in 2010/11. The main access to the site is gated and controlled both for pedestrians and vehicles and is from Lexden Road to the north-west of the School site. This access leads to a car park on the northern side of the School buildings. A second pedestrian access to the School is present from Pitt Drive on the eastern side of the site.

## **2. The Proposal**

2.1 The proposal is to increase the provision of the School's hard play area to accommodate the expected increase in the number of children attending the School, particularly for Infants. The play area would be used at normal play times and PE lessons during the School day and for some after school clubs, as well as a gathering point for parents waiting to collect children. There is an existing playground for Infants, covering some 500 square metres; immediately to the south is a soft play area on a grassed bank. The new play area would be 600 square metres in area (30 metres by 20 metres) and would be located at the base of the bank and extend into part of the School's playing field at the western side of the site.

2.2 The new play area would be orientated east-west to provide a level play area with a minimum requirement for cut and fill and for the construction of retaining walls. The tarmacked area would be surrounded by a galvanised open mesh fence, which would stand at 1.1 metres high on top of the retaining walls, giving an overall maximum height of 2.795 metres, at the northern part of the playground and at 2 metres high where no retaining wall is required. A new pedestrian access would be installed at the western side of the School leading to the new play area, which would comprise concrete steps with brick edging and tarmac surfacing.

2.3 An unimplemented approved scheme for a tarmacked multi-use games area (MUGA) on the eastern side of the School site remains extant. However, the applicant has stated that this would not be implemented if permission is granted for the current proposal.

## **3. Site History**

3.1 The School has benefited from various planning permissions over the last ten years both to enlarge the premises and provide for additional facilities. Permission was granted (ref. LW/2809/CC) in 2009 for a 2 storey extension and circulation space to the rear of the existing building providing 4 classrooms to replace two double mobile units and a single storey extension

to the ICT suite, together with other ancillary development. The last permission was granted in August 2015 and provided for a double mobile classroom unit, a new multi use games area (which has not been implemented) and an extension to the car park to provide for an additional 7 spaces (ref. LW/3261/CC).

3.2 Two further applications are currently being considered for development at the School: (i) LW/3322/CC for the part demolition of the building and removal of the double mobile classroom unit to facilitate two 2 storey extensions to the main School building to create 5no. additional classrooms and associated ancillary spaces including offices, stores and WCs to increase the capacity of the School to a 3 form of entry; and (ii) LW/3334/CC for the provision of new porous artificial turf on the existing school playing field to follow existing site contours.

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

4.1 Lewes District Council raises no objections.

4.2 Seaford Town Council raises no objections.

4.3 Sport England considers that the existing pitches can continue to be accommodated with the new hardstanding in place and does not raise an objection to the proposal.

4.4 Flood Risk Management ESCC comments that the proposals for managing surface water drainage are acceptable, in principle. However, conditions are recommended regarding the undertaking of ground investigations, the submission of hydraulic calculations and the submission of a maintenance and management plan for the drainage system.

4.5 Representations: Two local residents object to the proposal on the grounds that there would be an increase in noise and a loss of privacy as the play area would be near to the rear gardens of properties. The facility could be placed elsewhere within the School grounds. Objections are also raised regarding the on-going traffic and parking problems in the vicinity of the School.

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

5.1 Lewes District Local Plan 2003: Saved Policy ST3 (Design, Form & Setting of Development). Lewes District Council has undertaken an assessment of the Saved Policies in its Local Plan to evaluate their conformity with the NPPF. Saved Policy ST3 is considered to be fully consistent with the NPPF.

5.2 Lewes District Local Plan: Part 1 Joint Core Strategy 2010-2030, May 2016: Policies: CP7 (Infrastructure), CP11 (Built and Historic Environment and High Quality Design) and CP12 (Flood Risk).

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

5.4 National Planning Policy Framework (NPPF) 2012

The 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. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 72 in Part 8 (Promoting healthy communities), states that 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.

5.5 Policy Statement on Planning for Schools Development 2011

This 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 such schools. The policy statement encourages a collaborative approach to applications, encouraging pre-application discussions and use of planning obligations to help mitigate adverse effects 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 Planning Practice 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 The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of communities and that great weight should be given to the need to create, expand or alter schools.

6.2 At Cradle Hill School, the applicant is seeking to increase the number of children attending the School from a 2 form entry level to a 3 form entry level over the next few years. In order to provide for a sufficient level of outdoor playground space, the applicant needs to increase the provision of the hard play area at the School to accommodate this increase, particularly for Infants. There are limited opportunities for extending the developed area of the School and the north-western part of the playing field appears to represent the only practical location which is able to provide the required facility.

6.3 The principle of the proposal is supported by the Government in the NPPF by promoting healthy communities and in the presumption in favour of development of state funded schools in the Policy Statement on Planning for Schools Development. Core Policy 7 of the Lewes Core Strategy also supports the development of community infrastructure, including schools. As such, the proposal is, in principle, considered to be acceptable in planning terms.

### **Effect on amenity**

6.4 Saved Policy ST3 of the Lewes Local Plan requires that development should respect the amenities of adjoining properties in terms of, inter alia, noise, privacy and visual amenities.

6.5 Rear gardens of some residential properties in Lexden Road adjoin the School grounds to the west and the nearest is 7.5 metres from the existing Infants playground and 14.5 metres from the soft play area. The proposed additional playground would be 9.5 metres from the nearest rear garden boundary and about 30 metres from the nearest dwelling.

6.6 Adjoining local residents have raised concerns regarding the potential for an increase in noise and loss of privacy resulting from the proposal. It is likely that during the times of day when the playground would be used, particularly over the next few years when the School is reaching capacity through planned expansion (refer to LW/3322/CC), it is likely that there would be an increase in noise, as more children would be playing in fairly close proximity to the School boundary. However, play times, including PE lessons and after School clubs, are usually predictable as to when they occur and represent relatively short periods of time during the School day. While there might be some additional disturbance to the nearest residents, the use of the new playground would not be out of character with what currently takes place at the School.

6.7 Consequently, it is not considered that the proposal would result in an unacceptable effect on the amenities of nearby residents or that there would be a conflict with Saved Policy ST3 in respect of the amenities of adjoining properties.

### **Effect on playing field**

6.8 Sport England is a statutory consultee when a proposal may, inter alia, prejudice the use of land being used as a playing field and its Playing Fields Policy is to oppose development which would lead to a loss of or prejudice the use of a playing field, unless one of the exceptions to the Policy applies. The NPPF also advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless proposals meet certain criteria.

6.9 While the proposal would result in a loss of part of a playing field, Sport England considers that it would not result in the playing field being unable to

be used for sports activities which are currently undertaken. Consequently, Sport England considers that the proposal meets one of the exceptions to its Playing Fields Policy and does not raise an objection to the proposed development.

## **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 to provide for an additional area of playground to accommodate an increase in the numbers of children, particularly Infants, attending the School through planned expansion. Although the occupiers of nearby residential properties might be subject to additional disturbance during School play times when more children would be playing outside, these times would be in keeping with current practices. As such, it is not considered that there would be an unacceptable loss of amenity. The new playground would result in the loss of part of a playing field but Sport England considers that it would not prejudice the remaining area of the playing field for sports activities that are currently undertaken at the School. Taking these matters into account, the proposal is considered to be acceptable and accords with Core Policies 7, 11 and 12 of the Lewes District Local Plan Joint Core Strategy 2016, Saved Policy ST3 of the Lewes Local Plan 2003, Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Part 8 of the National Planning Policy Framework 2012 and the Policy Statement on Planning for Schools Development 2011.

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

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

## **8. Recommendation**

8.1 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. During construction of the development hereby permitted, no machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site other than between the hours of 08.00 and 17.30 on Mondays to Fridays inclusive and between 08.30 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site in accordance with Saved Policy ST3 of the Lewes Local Plan 2003.

4. No works shall commence on site until a detailed strategy and method statement has been submitted to and approved in writing by the Director of Communities, Economy and Transport for securing and demonstrating that the amount of waste resulting from the development has been reduced to the smallest amount possible. The statement shall include details of the extent to which waste materials arising from the excavation and construction activities 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 in accordance with best practice. All waste materials from construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal and to accord with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

5. The surface water management proposals formulated for the detailed design stage shall be supported by detailed hydraulic calculations which shall be submitted to the Director of Communities, Economy and Transport for written approval. These calculations should take into account the connectivity of the different drainage features and should show a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The approved proposals shall be implemented in full.

Reason: To minimise the potential for flooding, in accordance with Core Policy 12 of the Lewes District Local Plan Joint Core Strategy 2016 and

the provisions of Part 10 of the National Planning Policy Framework 2012.

6. No development shall take place until ground investigations have been undertaken at the site to confirm groundwater levels and infiltration rates and the details of the investigations shall be submitted to the Director of Communities, Economy and Transport for consideration and written approval. The investigations shall include soakage testing in accordance with BRE365. Any drainage measures that are required as a result of the ground investigations shall be implemented in accordance with details first to be agreed in writing with the Director of Communities, Economy and Transport.

Reason: To minimise the potential for flooding, in accordance with Core Policy 12 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 10 of the National Planning Policy Framework 2012.

7. Before occupation of the development a maintenance and management plan for the entire drainage system relating to the development shall be submitted to the Director of Communities, Economy and Transport for consideration and written approval. The plan shall clearly state which party will be responsible for managing all aspects of the surface water drainage system, including piped drains. The approved plan shall be implemented in full.

Reason: To minimise the potential for flooding, in accordance with Core Policy 12 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 10 of the National Planning Policy Framework 2012.

#### INFORMATIVE

1. The Applicant's attention is drawn to the need to contact the County Archaeologist as follows:

As 'cut and fill' is proposed for this development, the ground works contractor is requested to contact the County Archaeologist at [county.archaeology@eastsussex.gov.uk](mailto:county.archaeology@eastsussex.gov.uk) and to inform him, with at least 10 days' notice, of the works taking place so that arrangements can be made to inspect the stripped area and to confirm that no significant archaeological remains have been exposed. In the event that significant or complex archaeological remains were to be exposed the County Archaeologist would advise the applicant and their ground works contractor on how to proceed.

Schedule of Approved Plans

DR-A-0104-SO - Location Plan, DR-A-0106-SO - Site Section Plan, 0275-MBA-05-GF-DR-A-0120-S0-C - New Hard Play Area Plan, Existing Drainage Aquatech – Drg. No. 501 Rev A

RUPERT CLUBB

Director of Communities, Economy and Transport

11 October 2016

**BACKGROUND DOCUMENTS**

Planning application files LW/3320/CC, LW/3322/CC & LW/3334/CC

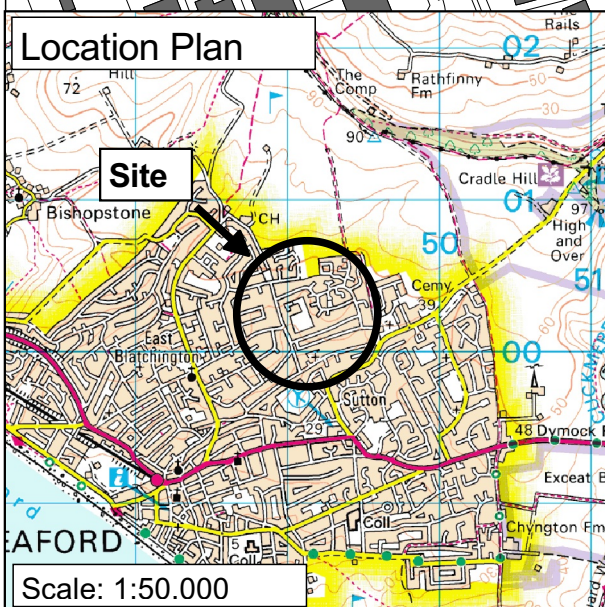
Planning permissions LW/2809/CC & LW/3261/CC

The Development Plan

NPPF

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LW/3320/CC  
 Cradle Hill Community Primary School, Lexden Road,  
 Seaford



Scale: 1:1,750

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 Economy and Transport  
 East Sussex County Council

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Committee	<b>Regulatory Planning Committee</b>
Date	<b>19 October 2016</b>
Report by	<b>Director of Communities, Economy and Transport</b>
Subject	<b>Development Management Quarterly Update</b>
Purpose	<b>To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three months period between 1 July 2016 and 30 September 2016.</b>
Contact Officer:	<b>Sarah Iles – 01273 481631</b>
Local Members:	<b>All</b>

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## **SUMMARY OF RECOMMENDATIONS**

**The Committee is recommended to note the report.**

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

### **1. Enforcement**

1.1 In the period between July and the end of September 2016, there were seventeen new alleged breaches of planning control. Of the new cases, thirteen were resolved within the last period and nine older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2016 was eighteen. This represents a decrease of five in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 A reduction in the number of outstanding cases is very encouraging, particularly given the limited resources available for dealing with enforcement matters. One of the positive elements of the enforcement work that is undertaken is the number of cases that are dealt with informally, without the need to resort to formal enforcement proceedings. This gives officers the flexibility to negotiate outcomes and can often achieve a better result than if formal action has needed to be taken. Dealing with matters informally also enables landowners to avoid the stigma of having formal enforcement action taken against them and this is especially important if they genuinely didn't know that something needed planning permission. Regrettably, it isn't always possible to resolve breaches of planning control informally and the only recourse is to take formal enforcement action.

1.3 One such case where it was necessary to take formal enforcement action is in relation to 187 London Road, Hailsham. Members may recall from previous quarterly reports that scrap metal and other waste materials were being stored at this location and, despite attempts to resolve the matter informally, this was not possible and an Enforcement Notice was served on the landowners in December 2014. Whilst the Notice was initially complied with, officers monitoring the site in February of this year noted that a scrap vehicle and other waste was once again stored at the site, which was in breach of the Enforcement Notice. Despite the landowners being written to on numerous occasions, the scrap vehicle has remained and further waste has been deposited in it. Consequently, the landowners have been Summoned to appear at Hastings Magistrates' Court for the offence of failing to comply with the requirements of the Enforcement Notice. Members will be advised of the outcome in future reports.

1.4 Members will be aware that there is a considerable amount of joint working with other regulatory authorities and bodies. This plays a crucial role in dealing with enforcement matters, especially when resources are so limited. When taking enforcement action against an unauthorised development (utilising an Enforcement Notice), this is limited to the landowner and anyone else with an interest in the land. This means that it can be the case that an unauthorised development is being carried out by someone who we are unable to take action against. This was the situation with Holley's Yard, Squires Farm, Eason's Green, where a large quantity of waste wood was imported and deposited at the site by an operator, not the landowner. The operator subsequently left the site without clearing it, leaving the landowner with a significant amount of waste to be cleared. In order to avoid the use of the site for the deposit and storage of waste becoming lawful, and in order to protect the site, it was decided to serve an Enforcement Notice on the landowners. Due to the particular circumstances of the case, and the fact that the landowners hadn't been responsible for the deposit of waste, officers have worked with them and a long period of time has been given for compliance with the Notice, which officers are monitoring. Whilst responsibility for the removal of the waste has fallen to the landowners in planning terms, due to close joint working with the Environment Agency, the company responsible for the deposit of the waste has been pursued under separate legislation. The Environment Agency mounted a successful prosecution against the Directors of the company, which officers from the County Council supported. One Director was sentenced to a Community Service Order of 200 hours of unpaid work and the second, following his arrest at Heathrow Airport, was sentenced to twelve months imprisonment. This case demonstrates that by close joint working between agencies, highly successful outcomes can be achieved.

1.5 Appendix 1 of this Report provides details of cases resolved and received within the period July to September 2016, together with details of the status of all current cases. Additional details and information on these cases can be obtained from the relevant officers listed at the end of this Report.

## **2. Site Monitoring**

2.1 Site monitoring of all minerals and waste sites is continuing, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter, nine non-chargeable site monitoring visits were carried out. No chargeable monitoring visits were undertaken during the last quarter.

2.2 Monitoring of the Bexhill-Hastings Link Road (BHLR) has continued. The carriageway opened to the public on 17 December 2015, and the Greenway has been open for several months. Fencing, landscaping and other works are continuing and there will be ongoing monitoring requirements relating to details approved pursuant to conditions, and the obligations in the S106 Legal Undertaking. This monitoring will be continuing for several years.

## **3. Contact Officers**

3.1 Members with any queries about enforcement matters or site monitoring should contact either Sarah Iles (01273 – 481631) or Robert Shapter (01273 – 335218).

RUPERT CLUBB  
Director of Communities, Economy and Transport  
11 October 2016

Local Members: All

## **BACKGROUND DOCUMENTS**

Current Enforcement, Monitoring and Planning Application Files.  
MasterGov Database.



**TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JULY 2016**

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
September 2014	Stonehouse Farm, Pilmer Road, Crowborough	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site, before being buried. Contact was made with the landowner who stated that the importation of materials was in relation to a planning permission granted by this Authority in 2004 and that the works were all in accordance with that permission.</p> <p>A site meeting was held with the landowners. The works that have been undertaken (and that are required to complete the development) are in excess of the original permission, and therefore in breach of planning control. A planning application (WD/769/CM) to regularise the works and allow for the further importation of materials was submitted and subsequently refused by the Planning Committee on 9 March 2016. This refusal meant that no further materials could be imported to the site and the landowner was advised that the area of previously deposited materials should be graded out.</p> <p>A further site visit has now been undertaken, which confirmed that the specified remedial works had been completed and the site restored. Breach of planning control resolved and no further action required.</p>
July 2015	JM Skips, Brett Drive, Bexhill-on-Sea	Breach of Conditions (numerous)	<p>A site monitoring visit was undertaken by officers and during the course of this visit a number of breaches of the conditions attached to the planning permission were noted.</p> <p>Following a meeting with the operator, a planning application (RR/775/CM) to regularise matters was submitted. The application has subsequently been approved under delegated powers and the breach of planning control resolved. No further enforcement action required and the site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
July 2015	Bramley Farm, Bay Tree Lane, Polegate	Importation and deposit of waste materials	<p>A complaint was received that waste materials had been imported into the site. A site visit was undertaken which confirmed the substance of the complaint and discussions were held with the landowner. The materials were imported to be used on agricultural tracks within the farm and a timescale for the works to be undertaken and completed was agreed.</p> <p>The site has been monitored and a further site visit has been undertaken which confirmed that the imported waste materials have been fully cleared from the site and the site restored. Breach of planning control resolved and no further action required.</p>
January 2016	Unit 3b, Croft Works, Diplocks Way, Hailsham	Unauthorised scrap metal operation	<p>Officers received information that the operator was setting up a scrap metal dealing operation at this site. A site visit was carried out and a meeting held with the operator. The operator explained that he had not commenced his waste operation at the site, but when he did it would be for the recycling of metals from Waste Electrical and Electronic Equipment (WEEE). The operator was advised that specific planning permission for this activity was required.</p> <p>A planning application (WD/774/CM) was submitted and subsequently approved under delegated powers. Breach of</p>

			planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.
March 2016	Land at Wellbrook Hill, Mayfield	Importation and deposit of waste	A complaint was received alleging that waste materials had been imported, deposited and disposed of at the site. A site visit was undertaken which confirmed the substance of the complaint. Following discussions with the landowner, the site has been cleared of all the imported waste materials. Breach of planning control resolved and no further action required.
April 2016	Cooks Corner Farm, Crowborough	Unauthorised importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into and deposited at the site. A site visit confirmed the substance of the complaint.</p> <p>Discussions held with the landowner who confirmed that the soils had originated from an authorised development at their own residence a short distance away and the intention was to grade the materials out across the site to level the uneven areas of the field. However, the waste materials deposited on the field were not considered to be suitable for the use intended and the landowner was given a timescale in which to remove the imported materials.</p> <p>A further site visit has recently been carried out, which confirmed that the imported waste material has been removed from the site as agreed, and the site restored to its original condition. Breach of planning control resolved and no further action required.</p>
May 2016	Upper Lodge Farm, The Broyle, Ringmer	Unauthorised importation and deposit of waste	<p>A complaint was received that waste, comprising hardcore, scrap metals and other materials, were being imported into this site and deposited. A joint site visit was undertaken with an officer from Lewes District Council which confirmed the substance of the complaint. Discussions were then held with the operator who admitted that he was aware that planning permission was required for the activities taking place. The operator advised that he had found great difficulty in finding a suitable location for his new business and that he was now in the process of clearing the site. A short timescale was agreed with the operator in which the site should be cleared.</p> <p>A further site visit has been undertaken which confirmed that the site had been fully cleared and restored. Breach of planning control resolved and no further action required.</p>
May 2016	Born Again Plastics, Oak Ferrars Farm, Piltown	Breach of Conditions (Storage of waste)	<p>During a site monitoring visit, it was found that some waste was being stored outside the area permitted by the planning permission for the site. Discussions were held with the operator and a time period agreed for the site to be brought into compliance with the relevant condition.</p> <p>A further site visit has been undertaken, which confirmed that the site has been returned to compliance with the requirements of the conditions attached to the planning permission for the site. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
June 2016	The Thorne/Little Thorne, Ninfield Road, Bexhill	Importation and deposit of end of life vehicles	<p>A complaint was received that the operator of the site was importing, depositing and processing end of life vehicles at this site. A site visit was undertaken and discussions held with the operator. A short time period for the clearance of the site was agreed.</p> <p>A further site visit has now been undertaken which noted that the site had been cleared of the end of life vehicles as required. Breach of planning control resolved and no further action required.</p>

Table 2 - New Breaches Of Planning Control Investigated Since July 2016 And Resolved.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
July 2016	Gill Wing Farm, Groombridge Lane, Eridge Green	Importation and deposit of waste	A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken and discussions held with the landowner who explained that the hardcore was being imported in order to create a floor for an agricultural barn, a development which has the benefit of planning permission from Wealden District Council. Wealden District Council has been informed of this complaint for their information/action as they deem appropriate. No further action required by this Authority.
July 2016	Little Exceat Farm, South Chailey	Breach of Conditions (Height of stockpiles)	<p>A complaint was received that the operator of the site was storing waste in excess of the permitted limits and that the stockpile heights were above the levels permitted by the conditions attached to the planning permission for the site. A site visit and meeting with the operator was undertaken and the operator admitted that the waste stored on the site was stockpiled above the permitted levels. The operator agreed to rectify this breach and a period of time to achieve this was agreed.</p> <p>A further site visit has been undertaken which confirmed that the operator had reduced the stockpile heights to within the limits set by the planning conditions. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the County Council's Site Monitoring Policy.</p> <p><i>(Note – this is a different operator/part of the site to the entry for Little Exceat Farm in Table 3 below.)</i></p>
July 2016	The Marles Boyd Farm, Northall Lane, Fletching	Importation and deposit of waste.	A complaint was received that waste was being imported into the site and deposited. A site visit was undertaken, which appeared to confirm the nature of the complaint. A site meeting was then arranged with the landowner who explained that he had recently purchased the land and was trying to return it to its former use as a market garden. No waste had been imported into the site, but some clean hardcore had been imported into the site to repair the track in order that the landowner could remove waste materials that had previously been imported to the site and deposited (prior to his ownership). The works to the track are considered to be permitted development and therefore not a breach of planning control. No other breach of planning control identified and no further action required.
July 2016	Swan Timber, The Warren, Crowborough	Importation and deposit of waste	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken, during the course of which a meeting was held with the landowner/operator who explained that the materials that were being imported were in connection with the construction of a timber building, which benefitted from planning permission granted by Wealden District Council. Contact was made with Wealden District Council which confirmed the details supplied by the landowner. The District Council has been advised of the complaint and no further action is required by this Authority, as Waste Planning Authority.
July 2016	Witherenden Farm, Station Road, Stonegate	Importation and deposit of waste materials.	A complaint was received that waste materials, comprising soils and hardcore, had been imported into three separate locations at the farm and deposited. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint. A site meeting was then held with the landowner who explained that one of the sites was an unproductive field which he was trying to bring into agricultural use. The field is apparently regularly flooded so the landowner commenced work to clear out the drainage ditches. The second area related to an area of hardstanding at the northern end of the complex of farm buildings, which the landowner

			<p>had resurfaced using hardcore from within the farm unit. The third area concerned works to de-silt and enlarge a pond on the site for the benefit of wildfowl.</p> <p>The first two areas are not considered to be breaches of planning control, but the de-silting and enlargement of the pond is considered to be an engineering operation which requires planning permission. However, this is a matter for Rother District Council as the relevant local planning authority. It is understood that the landowner has already been in contact with Rother District Council in connection with submission of a planning application to regularise the works to the pond. No further action required by this Authority, as Waste Planning Authority.</p>
August 2016	Hailsham Primary Academy, Oaklands Way, Hailsham,	Breach of Condition (Landscaping)	A complaint was received that the planting condition relating to landscaping, attached to the planning permission for the new school development, had not been complied with. Following investigations it transpired that the complainant had negotiated with the applicant for an extra tree to be planted on the boundary of the site between the complainant's house and the new school; in order to provide further screening of the school. This was in addition to the approved landscaping details and does not amount to a breach of the relevant condition. Whilst the tree has been planted on the site, it is not in the position as agreed with the complainant and will, therefore, be moved when appropriate conditions allow. No breach of planning control identified and no further action required.
August 2016	Clearview, Nursery Lane, Wivelsfield Green	Importation and deposit of waste.	A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken which appeared to confirm the nature of the complaint. Contact was made with the landowner who stated that the works taking place were to install a field drain and raise the level of a low lying area of field, which is constantly wet. The soils being used to raise the level of the land have all come from within the site itself and no waste materials have been imported into the site. Therefore, these works constitute an engineering operation which requires planning permission from Lewes District Council as the relevant local planning authority. The District Council has been notified and is now dealing with the matter. No breach of planning control insofar as this Authority is concerned and no further action required.
August 2016	155 South Road, Hailsham	Importation, deposit and storage of waste	<p>A complaint was received that waste materials, comprising household waste, were being imported into the yard at the side of this end of terrace house and deposited on the ground and in a skip. A site visit was carried out which confirmed the details supplied by the complainant. The landowner/operator was contacted, who stated that he was going to clear the site of the imported waste and a short timescale was agreed in order to undertake the clearance.</p> <p>A further site visit has been carried out and the landowner has removed all the waste that was imported into the site and the site has been restored to its previous condition. Breach of planning control resolved and no further action required.</p>
August 2016	Bexhill/Hastings Wastewater Treatment Works, Freshfields, Pebsham	Breach of condition (Odour)	A complaint was received that on Bank Holiday Monday odour was escaping from the site. The site has subsequently been monitored on several occasions since the initial complaint was received and no occurrences of excessive odours escaping from the site have been detected. No breach of planning control identified and no further action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.
August 2016	30 Broderick Road, Eastbourne	Importation, deposit and storage of waste in a skip	A complaint was received that waste materials were being imported into this site and bulked up in a skip. A site visit was undertaken which confirmed the nature of the complaint. The landowner was contacted who explained that he resides in the house at the rear of the site and was using the site temporarily to house the skip whilst he was clearing out his garage and also clearing out waste from his office nearby. The landowner was given a short period of time to remove the skip and waste from the site.

			A further site visit was recently undertaken which noted that the skip and all the imported waste material have been removed. Breach of planning control resolved and no further action required.
September 2016	Lews Farm, Sheriffs Lane, Rotherfield	Importation and deposit of waste	A complaint was received that waste wood shavings were being imported into and deposited at this site. A site visit was undertaken and discussions held with the operator. The authorised use of the site is for joinery, and it was noted that there was a small quantity of sawdust on the site, which had been generated from the authorised activities taking place. This is considered to be ancillary to the main use of the site and no further action is required.
September 2016	Laurel Tree Fruit Farm, Boars head, Crowborough	Breach of Conditions (Hours, vehicle movements, volume/type of materials, noise and burning)	<p>A complaint was received that conditions attached to planning permission WD/692/CM were being breached. The site was monitored by officers who also undertook a site visit and held a meeting with the landowner and site manager/operator. No evidence of burning was found and it was clear from the monitoring undertaken and the site meeting that the conditions attached to the planning permission were being complied with in terms of hours, number of vehicle movements and the type of material imported.</p> <p>During the course of the site visit it was noted that there were other sites nearby which could have contributed to the concerns raised by the complainant. However, in respect of this site, no breach of planning control was taking place and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring policy.</p>
September 2016	6 Seabeach Lane, Eastbourne	Importation, deposit and storage of compressed gas cylinders	A complaint was received that the compressed gas cylinders used by the wrought iron fabrication company occupying the site were being stored incorrectly. A site visit was carried out and records were checked. Waste is not being imported to the site and the site is not subject to any planning controls imposed by this Authority. No breach of planning control identified and the complainant has been advised to seek advice from the Health and Safety Executive in respect of any concerns regarding the appropriate storage of the gas cylinders.

**Table 3 - New Breaches Of Planning Control Investigated Since July 2016 And As Yet Unresolved.**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
July 2016	Honey Farm, A22 Polegate By Pass, Polegate	Importation, deposit and processing of waste.	A complaint was received that waste materials, comprising hardcore and soils, were being imported into this site, deposited and then processed by machinery. A site visit was undertaken which confirmed the substance of the complaint. A site meeting was then arranged with the operator, who stated that he was bringing back waste from his own groundworks construction works and then processing it in order to recycle the material and reduce costs. The planning requirements of such an operation were explained to the operator who decided not to pursue a planning application in order to regularise the waste processing operation at the site. A short time period for the removal of the imported waste was agreed with the operator (by 30 September 2016). A further site visit is due to be carried out to ensure the site is cleared of waste materials as agreed.
July 2016	LF to Waste, Little Exceat Farm, South Chailey	Unauthorised waste transfer Station	This breach of planning control was found by officers during the course of a visit to another part of the site. The operator had moved from Upper Lodge Farm in Ringmer (see entry in Table 1 above) and originally intended to use this site purely for the storage of vehicles and equipment, with all waste materials being taken directly to an authorised waste transfer station. However, officers attending the Farm in connection with another matter noted that

			<p>the operator had imported waste into the site. The operator was contacted who stated that it was his intention to submit a planning application in order to attempt to regularise the planning situation at this site. A timescale for the submission of a planning application has been given and an application is currently awaited.</p> <p><i>(Note – this is a different operator/part of the site to the entry for Little Exceat Farm in Table 2 above.)</i></p>
September 2016	Sandpit Farm, Thornwell Lane, Wilmington	Importation, deposit and burning of waste	A complaint was received that waste was being imported into the site, deposited and burnt. A joint site visit with an officer from the Environment Agency has been undertaken and investigations are continuing.
September 2016	East Sussex & Romney Marsh Hunt Kennels, Catsfield, Battle	Breach of Condition (Odour and storage of carcasses)	A complaint was received that activities and operations at the site were not being carried out in accordance with the conditions attached to planning permission RR/744/CM, which relates to the site. A site visit and meeting with the operators is currently in the process of being arranged.

**Table 4 - Outstanding Cases Subject To Ongoing Action**

<b>DATE LPA BECAME AWARE OF BREACH</b>	<b>SITE ADDRESS</b>	<b>NATURE OF CASE</b>	<b>CURRENT POSITION</b>
April 2013	St Mary's School, Maynards Green	Unauthorised development	<p>A complaint was received that the School had carried out unauthorised development by creating a new car park at the site. A site visit confirmed the nature of the works and that the development required planning permission. After receiving pre-application advice from officers, a planning application (WD/3180/CC) was submitted in respect of this matter and this was due to be considered by the Planning Committee on 11 December 2013. However, due to ongoing negotiations with the adjoining property owner regarding a proposed land-swap, the application was withdrawn by the School pending the outcome of those negotiations.</p> <p>Following these negotiations, a planning application (WD/3227/CC) for a change of use (from agricultural to educational use) relating to area subject to the land swap was submitted and subsequently approved under delegated powers.</p> <p>The submission of a planning application to regularise the works to the car park and other development was then delayed due to the need for the land swap to be completed. The land swap has been finalised and the neighbour's new access has been constructed. A planning application is currently awaited to regularise this matter.</p>
October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	Officers noticed that a significant quantity of waste materials comprising chalk, end of life vehicles and household and builders' waste had been stockpiled on the site. Evidence of burning of green waste was also present. A joint site meeting with the Environment Agency and the landowner was held. The landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it was his intention to clear the site of the imported waste.

			<p>Officers, in conjunction with officers from the Environment Agency, have continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site is carried out. In order to protect the Council's position, a Planning Contravention Notice was served on the landowner, to which a response was received. The landowner commenced the phased removal of the waste from the site. Some waste was removed and there was initially no indication that further waste materials had been imported to the site. Clearance of the waste materials had been continuing. However, the landowner suffered a period of ill health and was unable to work.</p> <p>Further site visits have been carried out, including with officers from the Environment Agency. More recently it was noted that further waste appeared to have been imported to the site and there was also evidence of burning taking place. Consequently, it is considered necessary and appropriate to serve an Enforcement Notice on the landowners. Consideration is now being given as to how the Enforcement Notice should be formulated, due to the complex nature of the site.</p>
January 2015	KPS Composting, Boathouse Farm, Isfield	Breach of conditions (site layout and volume of waste)	<p>A complaint was received that waste wood processing was not taking place in the area approved and that the site was exceeding the total quantity of waste that was permitted to be imported into the site (the permitted volume of waste is limited to 50,000 tonnes/annum). Discussions were held with the Manager of the site, who stated that the area for the waste wood processing had been moved to a different part of the site for health and safety reasons. Figures provided for the volume of imported material showed that in the last year, nearly 54,000 tonnes of waste material had been imported to the site, some 4,000 tonnes above the permitted level.</p> <p>A planning application was submitted relating to altering the location of the wood waste processing and amending the limitation on the quantity of waste materials, but was not valid due to further information being required. A meeting with local residents was held to discuss their concerns regarding activities at the site, and further discussions with the operator have been ongoing.</p> <p>There had been a delay in the submission of the planning application because the operator decided to completely revise the use of the site, which involves a far more detailed application. Following a recent meeting with the agent for the applicant, a revised planning application (WD/782/CM) has now been submitted and is currently being processed.</p>
April 2015	Sussex Waste Services, Endeavour Works, Beach Road, Newhaven	Importation and deposit of waste	<p>Officers were visiting the site in connection with another matter and noticed that a significant quantity of waste materials comprising builders waste, electrical and electronic waste, scrap metal and end of life vehicles had been deposited on the site. Given the history of this site it was decided that formal enforcement action should be taken.</p> <p>Consequently, an Enforcement Notice was served on the landowner of this site, and other interested parties, on 2 February 2016. No appeals were made against the Notice and it took effect on 4 March 2016. The landowner had until 4 June 2016 to clear the site of the imported waste materials in order to comply with the requirements of the Notice.</p> <p>A site visit was undertaken shortly after the expiry of the period of time for compliance with the requirements of the Enforcement Notice. Although the majority of the imported waste has been removed from the site, some still remains. Contact was made with the landowner who explained that he was having difficulty with his tenant, who was refusing access to the site. The landowner therefore placed the matter in the hands of his solicitor.</p> <p>The dispute between the landowner and his tenant was heard at Lewes County Court on 13 September 2016 and</p>

			<p>it is understood that the tenant will be vacating the site by 30 November 2016. This will enable the landowner to access the site and remove the remaining waste. The site will be monitored to ensure the Enforcement Notice is fully complied with.</p>
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	<p>This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency undertook a prosecution against a Director of the company, and the County Council supported this prosecution and gave evidence in Court. The Director of the company was convicted of the offence and was sentenced to a Community Service Order of 200 Hours of unpaid work. There was no requirement for the Director to pay for the costs of clearing the land. Consequently, the waste wood has remained on the site and, in order to protect the County Council's position, it was considered appropriate to serve an Enforcement Notice on the landowners, and interested parties, requiring the removal of the waste wood.</p> <p>An Enforcement Notice was served on the landowners and interested parties on 2 February 2016. No appeal was made against the Enforcement Notice and it took effect on 4 March 2016. Given the circumstances of this particular case, a suitable period of time for the clearance of the site was been given (until 4 March 2018) and officers are maintaining contact with the landowners to facilitate the removal/clearance of the waste wood from the site.</p> <p>Since the service of the Enforcement Notice, the Environment Agency made progress in their case against the company that was responsible for importing the waste wood into this site. The outstanding company director was arrested on a warrant and appeared at Lewes Crown Court on 22 August 2016 for sentence, after he had entered a guilty plea at an earlier hearing. He was sentenced to one year's imprisonment.</p>
January 2016	Bexhill to Hastings Link Road (Combe Valley Way) - Decoy Overbridge	Breach of Condition (Noise)	<p>A complaint was received that excessive noise is being generated from the Link Road now that it is open to traffic. The complainant also raised concerns that vehicles using the Link Road were visible from distant views. The location of the relevant acoustic barriers has been checked and it is considered that they have been constructed in accordance with the approved drawings.</p> <p>Noise monitoring over a period of two weeks was carried out and the results analysed. A report has been prepared and is currently being reviewed to ascertain whether the noise levels at this location are in accordance with the predicted levels.</p>
February 2016	187 London Road, Hailsham	Breach of requirements of Enforcement Notice	<p>An Enforcement Notice was served on the joint landowners of the site in December 2014, which required all scrap metal and other waste, including end of life vehicles to be removed from the site. Since the Notice became effective in January 2015 officers have undertaken regular monitoring visits to ensure that the site was in compliance with the requirements of the Enforcement Notice. A site visit was undertaken in February 2016 which showed that an end of life vehicle had been parked within the area covered by the Enforcement Notice and filled with waste. A letter was sent to the landowners advising them of the breach of the Enforcement Notice and giving a timescale for the removal of the end of life vehicle and waste. A site visit confirmed that this had not been done and there continued to be a breach of the requirements of the Enforcement Notice, which is an offence.</p> <p>Despite the landowners being given another timescale for the removal of the vehicle, a further site visit noted that it had not been removed and that the Enforcement Notice was still being breached. Consequently, the landowners have now been Summoned to appear at Hastings Magistrates' Court on 28 October 2016. Members will be updated on progress with the case in future reports.</p>



May 2016	Greenacre Recycling, Titan Marine, Newhaven	Breach of Condition (Roller shutter doors)	<p>A complaint was received that the roller shutter doors of the building were open during the permitted hours of operation, which is a breach of Condition 5 of the planning permission for the site (LW/767/CM). A site visit was undertaken and during this site visit it was noted that the doors referred to were open during operations. Discussions were held with the operator, who stated that the doors are open very frequently in order to allow vehicles to access the building to deposit waste and then remove it to the yard once it has been sorted within the building.</p> <p>Further discussions have taken place with the operator and the site is continuing to be monitored to identify if a substantive breach of planning control is occurring.</p>
May 2016	James Waste Management , Cradle Hill, Seaford	Breach of Conditions (Noise and dust)	<p>A complaint was received that noise, dust and vibration were being caused by the operations at the site. Dust and noise are controlled by conditions attached to the planning permission for the site (LW/711/CM), however vibration is not. A site visit was undertaken and at the time of the site visit there did not appear to be any breach of the conditions relating to noise and dust.</p> <p>Discussions were held with the operator who indicated that he was not aware of the planning conditions as he had only just taken over the site. The operator indicated that it was his intention to submit a new planning application for the site which he hoped would address noise/dust issues by totally enclosing the operation within a building. A copy of the current Decision Notice containing the various conditions relating to the site has been provided to the operator.</p> <p>Discussions with the operator are ongoing regarding a potential new building at the site and, in the meantime, the site is being monitored to identify whether there are any breaches of planning control occurring.</p>
May 2016	Land to the North of Leeds Lane, Five Ashes	Importation and deposit of waste materials	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint. Contact was made with the occupier who stated that the purpose of the importation was to improve the track through the wood for his animals in order to be able to move them across the land and not across roads, which would incur expensive veterinary costs for tuberculosis testing.</p> <p>The position regarding the requirement for planning permission was explained to the tenant farmer, and he was requested to cease any further activity until a joint site meeting with all the regulatory authorities concerned had been arranged. A further joint site meeting took place, and it was noted that the tenant farmer had completed the works to the track. The imported waste appears not to have any stability and was noted to have already started to slip. It was considered that the works to the track were excessive and unnecessary, and amounted to a waste disposal operation.</p> <p>The tenant farmer was requested to remove the imported waste from the site. A recent site visit noted that some waste may have been removed, but that there remained a quantity of waste on the site which still needs to be removed. Contact is now being made with the landowner in order to progress and resolve this matter.</p>
May 2016	Ripleys Scrapyard, Apex Way, Hailsham	Breach of Conditions (Noise)	<p>A complaint was received that noise emanating from the site exceeds the levels permitted by the conditions attached to the planning permission for the site. An initial site visit was undertaken and although some noise was heard from the region of the site, the precise source of the noise could not be ascertained and the noise heard did not appear excessive.</p> <p>Noise monitoring has continued but, as before, there is difficulty in establishing which of the sites on the industrial</p>

			estate is responsible for the noise. In addition, the noise condition is attached to only one planning permission relating to the site and it is not clear whether this permission has actually been implemented and information in this respect is currently awaited from the operator. In the event that the planning permission has not been implemented, the permission would have lapsed and the noise condition would no longer apply.
June 2016	JM Skip Hire, Birch Close, Eastbourne	Breach of Conditions (noise and dust)	<p>A complaint was received alleging that noise and dust were emanating from this site. A joint site visit was undertaken with an officer from Eastbourne Borough Council and during the course of this site visit several breaches of the planning conditions relating to the site were identified. An initial letter was sent to the operator detailing the breaches of the conditions that were found during the site visit and requesting the operator's comments and details of how he is going to address and resolve these issues. A response was received and a further letter sent to the operator.</p> <p>No response to this further letter has been received from the operator. Therefore, a site visit will be arranged in the near future to ascertain the situation at the site. If the breaches of condition are still apparent then consideration will be given to the service of Breach of Condition Notices to address the issues.</p>
June 2016	Penfold Driveways, The Warren, Crowborough	Unauthorised development	<p>A complaint was received by the Environment Agency that waste was being imported into and deposited at the site. A joint site meeting was arranged with all the various regulatory authorities and the operators to discuss the various issues at the site. It was clear during the course of the site meeting that the importation, deposit and processing of waste was taking place at the site.</p> <p>A pre-application site meeting with the operators has now taken place and a planning application is expected to be submitted.</p>
June 2016	GB Metals, Knights Business Centre, Squires Farm Industrial Estate, Easons Green	Unauthorised development	<p>During a site monitoring visit, it was found that a new, unauthorised container/office building had been installed at the site. Following discussions, it transpired that a new operator had taken over the site.</p> <p>A planning application (WD/780/CM) to regularise the container/office has subsequently been submitted and is under consideration.</p>

Committee:	<b>Regulatory Planning Committee</b>
Date:	<b>19 October 2016</b>
Report by:	<b>Director of Communities, Economy and Transport</b>
Title of Report	<b>The East Sussex (Various Roads, Jarvis Brook) (30 mph and 40mph Speed Limit) Order 201*</b>
Purpose of Report	<b>To consider the objections received in response to the consultation on the draft Traffic Regulation Order for the proposed 30mph and 40mph speed limit on various roads in Jarvis Brook.</b>
Contact Officer:	<b>Michael Higgs – 01273 482106</b>
Local Member:	<b>Councillors Stogdon and Tidy</b>

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## **RECOMMENDATION**

**The Planning Committee is recommended to:**

- 1. Not uphold the objections to the draft Order as set out in Appendix 2 of this report; and**
  - 2. Recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.**
- 
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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.**

### **1. Introduction**

- 1.1** As part of our review of speed limits on rural A and B class roads it is proposed to reduce the existing 60mph national speed limit on the B2100 Rotherfield Road to 40mph. As part of the proposal it was also agreed to introduce a 30mph speed limit on part of the C209 Treblers Road and U7768 Tubwell Lane. A Location Plan indicating the extent of the proposed changes is included in Appendix 1.
- 1.2** A consultation was carried out with interested parties between 3 September 2015 and 25 September 2015 and 3 objections to the proposals were received.
- 1.3** Two of the 3 objectors would have liked to see the proposed 40mph speed limit on the B2100 Rotherfield Road reduced to 30mph. The other objector would have liked the proposed 40mph speed limit to extend further to the east to meet with the existing 30mph speed limit in Rotherfield.
- 1.4** The proposed Order was advertised on-site and in the local press between 18 March 2016 and 13 April 2016 and no further objections were received. A copy of the proposed Order is included in Appendix 3.

- 1.5 The objectors were contacted to clarify our position in respect to this matter and 2 of the objections were withdrawn. The remaining objector still wishes for the proposed 40mph speed limit on the B2100 Rotherfield Road to be reduced to 30mph. The objection received is summarised in Appendix 2. A full copy of the original correspondence received on the proposals is provided in the Members Room.
- 1.6 The crash data provided to us by Sussex Police indicates that there has been one serious injury crash and 3 slight injury crashes in the last 5 years on the roads subject to this proposed Order. A plan indicating the location and severity of the injury crashes is included in Appendix 4.

## **2 Comments and Appraisal**

- 2.1 The predominant factors we have to consider when we are determining a speed limit are the character and appearance of the road and the average speed of traffic already using the road. It is recognised nationally that the majority of drivers travel at the speed they consider to be safe for the conditions of the road. The average speed also reflects the speed that most drivers consider to be appropriate for the conditions of the road. National guidance therefore recommends that local highway authorities align the speed limit so that the average speed is at, or just below the posted speed limit. This approach has been proven to ensure the speed limit is observed by the majority of drivers.
- 2.2 A speed survey carried out on the B2100 Rotherfield Road between 17 September 2015 and 24 September 2015 recorded the average speed to be 38mph eastbound and 40mph westbound with 85<sup>th</sup> percentile speeds (the speed that 15% of the drivers are exceeding) of 44mph eastbound and 46mph westbound. The location of the survey and a summary of the results is included in Appendix 5.
- 2.3 In our experience reducing a speed limit with signs and lines alone does not automatically slow down traffic. Research carried out by the Transport Research Laboratory supports this and indicates that lowering a speed limit without engineering measures reduces the average speed of drivers by about 1 or 2mph. As a result a 30mph speed limit with signs and lines alone would not produce the corresponding reduction in driver speeds on this part of the B2100 Rotherfield Road to support a 30mph speed limit.
- 2.4 It also should be noted that we would not be allowed to provide 30mph repeater signs or roundels at regular intervals along the road if a 30mph speed limit was introduced. This is because there is a system of street lighting on this part of the B2100 Rotherfield Road and national legislation does not allow 30mph repeater signs on roads with street lighting.
- 2.5 It is important that 30mph speed limits are retained for the most built up areas with continuous properties directly fronting the road. If we were to extend the existing 30mph speed limit further to the east along the Rotherfield Road there is a risk that it will dilute the 30mph speed limit at the railway bridge and on the more built up part of the B2100 Crowborough Hill. We would also have to remove the existing 30mph terminal signs that are located near to Western Road and Mottins Hill junction.

- 2.6 A road is generally safer when all drivers are travelling at, or close to the posted speed limit. A 30mph speed limit on this part of the B2100 Rotherfield Road would be set well below the speed the majority of drivers consider appropriate to travel. As a result drivers may take a risk and overtake any slower driver that was observing the 30mph speed limit.
- 2.7 The length of the B2100 Rotherfield Road where the objector is proposing a 40mph speed limit is relatively straight and wide with most of the buildings set back from the road. As a result it does not give a driver sufficient visual message to support a 30mph speed limit. To introduce an effective 30mph speed limit it would be necessary to introduce engineering measures to slow down drivers in accordance with the lower limit. The type of measures that would be required would be very expensive and due to its relatively good safety record the cost of traffic calming cannot be justified at the present time. Some photographs indicating the character and appearance of the B2100 Rotherfield Road are included in the presentation slides that will be shown to the Committee.
- 2.8 The start of the proposed 40mph speed limit was chosen as the location coincides with the narrower part of the road where the buildings and businesses become visible to drivers. Locating the speed limit terminal signs on the part of the road where the development becomes visible helps to reinforce the visual message for drivers to reduce their speed. The position also offers good visibility of the terminal signs for vehicles coming down the hill from Rotherfield.
- 2.9 The 30mph speed limits on Tubwell Lane and Treblers Road are being proposed as the geometry and alignment of these roads mean that the lower limit will be relatively self enforcing.

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

- 3.1 The results of the speed survey that was carried out on the B2100 Rotherfield Road clearly indicate that it is most appropriate to reduce the existing 60mph national speed limit to 40mph as this will help to make the road safer by achieving the best compliance with the posted speed limit.
- 3.2 It is therefore recommended, for the reasons set out in this report, that the Planning Committee does not uphold the objection to the Traffic Regulation Order and recommends to the Director of Communities, Economy and Transport that the Order be made as advertised.

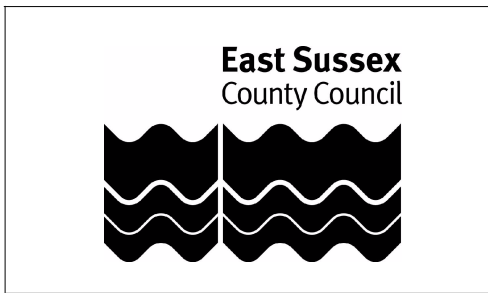
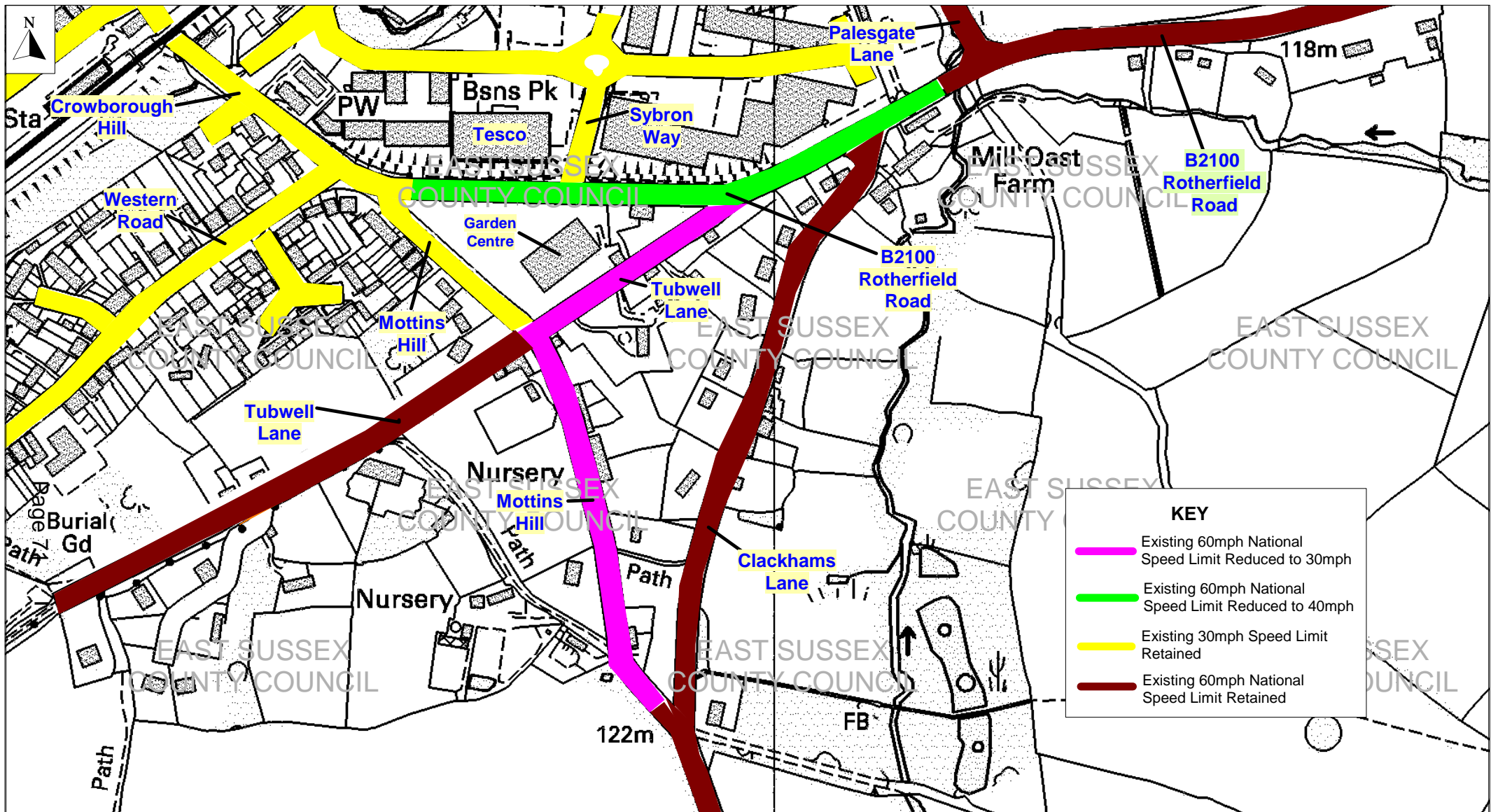
RUPERT CLUBB

Director of Communities, Economy and Transport

### **BACKGROUND DOCUMENTS**

None

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Extent of Proposed 30mph and 40mph Speed Limits

B2100 Rotherfield Road

Jarvis Brook

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Summary of Objections

The East Sussex (Various Roads, Jarvis Brook) (30mph and 40mph Speed Limit) Order

Objection	Officers Response	Recommendation
<p><u>Objector 1:</u> The proposed change to the speed limit on the B2100 was discussed at the Environment Committee meeting last night. Members were concerned that the proposal is for a 40mph speed limit, and considered that the limit should be a continuation of the existing 30mph speed restriction.</p> <p>If a phased limit is required due to the speed of the traffic travelling down the hill from Rotherfield then it is requested that the existing 30mph speed limit is extended to incorporate the entrance to Sybron Way.</p>	<p><u>Response:</u> The predominant factors that we have to consider when we are determining a speed limit is the level of frontage development and the average speed of drivers using the road. National guidance on setting local speed limits recommends that we align the speed limit so that the average speed driven is at, or just below the posted speed limit.</p> <p>The speed survey results recorded the average speed of traffic to be 38mph eastbound and 40mph westbound. The results of the speed survey clearly show that a 40mph speed limit is the most appropriate for the character and appearance of the road.</p> <p>The guidance on setting local speed limits clearly indicates that speed limits should not be extended to solve an isolated hazard like a road junction.</p> <p>The existing 30mph speed limit starts just before the railway bridge and the more built up part of the road. This approach helps drivers understand the reason for the 30mph speed limit. If we extend the 30mph speed limit along the part of the road where the buildings are set well back from the road we will dilute the 30mph speed limit on the more built up part of Crowborough Hill. The existing 30mph terminal signs at the start of the more developed part of the road would also have to be removed diluting the 30mph on Crowborough Hill further.</p> <p>As there is system of street lights along this part of the B2100 we would not be allowed to provide 30mph repeater signs at regular intervals along the road to help remind drivers of the speed limit leading to a very poorly communicated and therefore unlikely to be complied with 30mph speed limit.</p>	<p>To implement the speed limit Order as advertised.</p>

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EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**The East Sussex (Various Roads, Jarvis Brook)  
(30mph & 40mph Speed Limit) Order 201\***

East Sussex County Council , in exercise of its powers under Section 84 (1) and (2) of the Road Traffic Regulation Act 1984 ("the Act") as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order: -

1. No person shall drive any vehicle at a speed exceeding 40mph on those lengths of road specified in the First Schedule to this Order.
2. No person shall drive a vehicle at a speed exceeding 30mph on those lengths of road specified in the Second Schedule to this Order.
3. No speed limit imposed by this Order applies to vehicles falling within Regulation 3 (4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 when used in accordance with Regulation 3 (5) of those Regulations.
4. This Order may be cited as "The East Sussex (Various Roads, Jarvis Brook) (30mph and 40mph Speed Limit) Order and shall come into operation on XXXX \*201\*.

FIRST SCHEDULE

40mph Speed Limit

**B2100 Rotherfield Road**

from a point 10 metres east of the junction with Mottins Hill, eastwards for a distance of 400 metres

SECOND SCHEDULE

30mph Speed Limit

**U7768 Tubwell Lane**

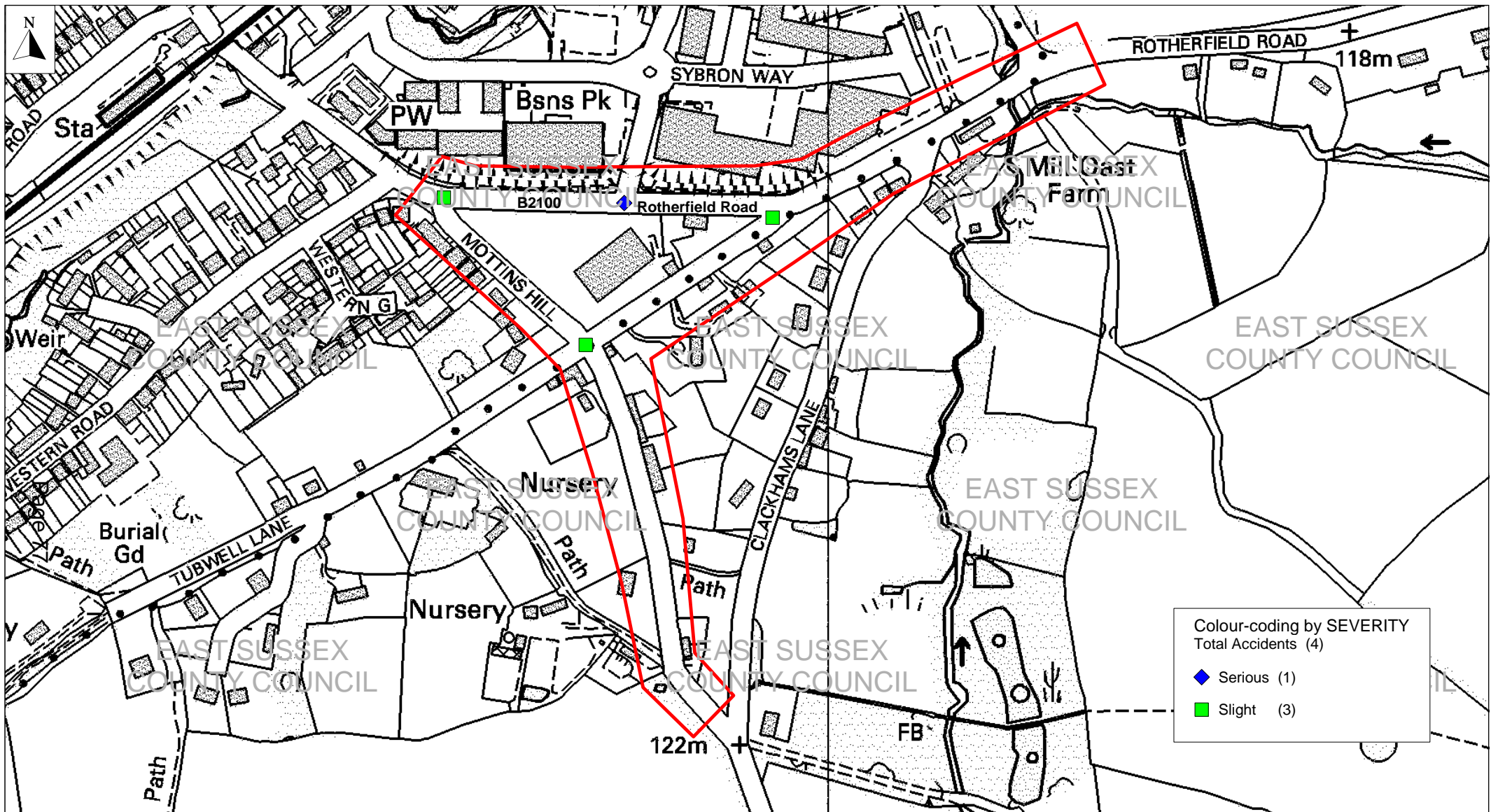
from the junction of the B2100, south-westwards for a distance of 177 metres.

**C209 Treblers Road**

from the junction of Tubwell Lane, southwards for a distance of 324 metres.

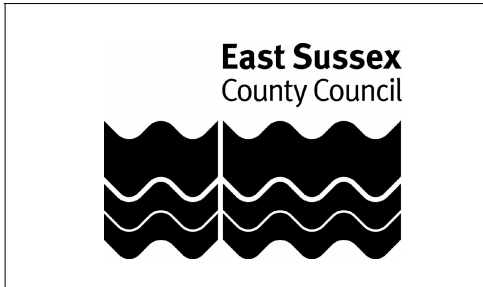
THE COMMON SEAL of EAST SUSSEX )  
COUNTY COUNCIL was affixed )  
hereto on the \*.\* day of \*.\* two )  
thousand and \*\* in the )  
presence of:- )

H & T Ctte. 2.4.74 – Para 4.2 joint report of  
Director of legal & Community Services &  
County Engineer – Para 4.



Colour-coding by SEVERITY  
Total Accidents (4)

- ◆ Serious (1)
- Slight (3)



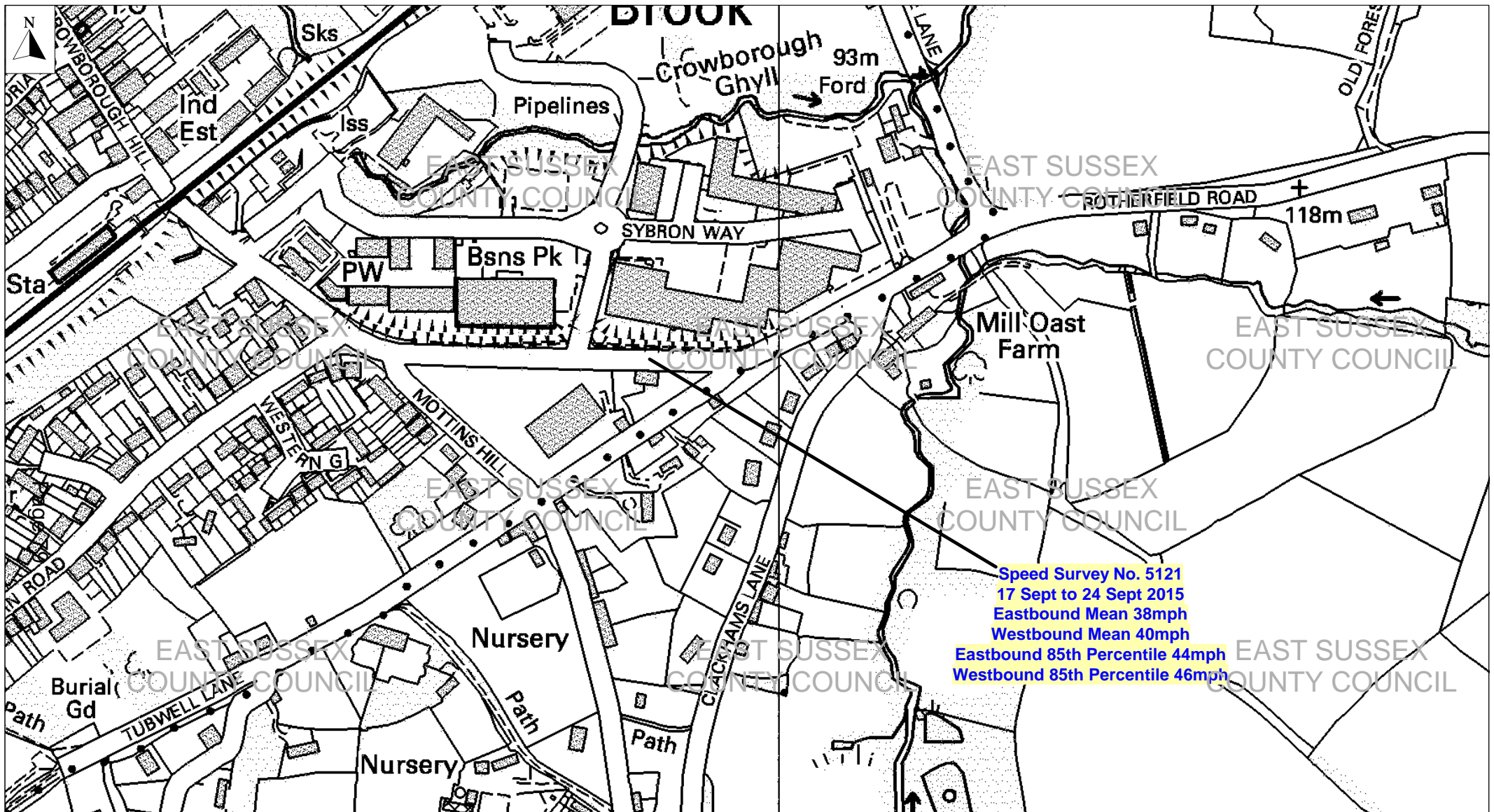
B2100 Rotherfield Road - Jarvis Brook  
Crashes between 01/08/2011 and 31/07/2016  
Type of Crashes: Injury Only

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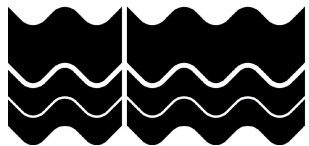
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Speed Survey No. 5121  
 17 Sept to 24 Sept 2015  
 Eastbound Mean 38mph  
 Westbound Mean 40mph  
 Eastbound 85th Percentile 44mph  
 Westbound 85th Percentile 46mph

**East Sussex**  
 County Council



Speed Survey Results  
 B2100 Rotherfield Road  
 Jarvis Brook

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