REGULATORY COMMITTEE





MEETING 10.30 am WEDNESDAY, 17 JANUARY 2018

COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Claire Dowling (Chair) Councillors Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel, Darren Grover, Tom Liddiard and Pat Rodohan

AGENDA

- 1 Minutes of the meeting held on 14 December 2017 (Pages 3 4)
- 2 Apologies for absence
- 3 Disclosures of interests

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

4 Urgent items

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

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

- Erection of detached, single storey, nursery building to south-west of main School.
 Parkside Community Primary School, Beechwood Lane, Heathfield, TN21 8QQ WD/3381/CC (Pages 5 16)
 Report by the Director of Communities, Economy and Transport
- 6 Development Management Matters: Quarterly Report *(Pages 17 28)* Report by the Director of Communities, Economy and Transport

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

- 7A TRO Objections to Heathfield Parking Review (*Pages 29 40*) Report by the Director of Communities, Economy and Transport
- 7B TRO County Hall Car Park review, Lewes *(Pages 41 54)* Report by the Director of Communities, Economy and Transport

NOTES:

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

8 Any other items previously notified under agenda item 4

PHILIP BAKER Assistant Chief Executive County Hall, St Anne's Crescent LEWES BN7 1UE

9 January 2018

Contact Simon Bailey, Democratic Services Officer, 01273 481935 Email: <u>simon.bailey@eastsussex.gov.uk</u>

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 14 December 2017.

PRESENT Councillors Barry Taylor (Vice Chair in the Chair), Bob Bowdler, Godfrey Daniel, Darren Grover, Tom Liddiard and Pat Rodohan

27 MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2017

27.1 The Committee RESOLVED to approve as a correct record the minutes of the meeting held on 15 November 2017.

28 APOLOGIES FOR ABSENCE

28.1 Apologies for absence were received from Councillor Claire Dowling.

29 <u>REPORTS</u>

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

30 TRO - DOUBLE YELLOW LINES AT CHURCH LANE, DANEHILL

30.1 The Committee considered a report by the Director of Communities, Economy and Transport. The Head of Planning and Environment reported the written comments of the Local Member in support of the recommendation.

30.2 Mr Antony Chinn, a local resident, spoke in support of the recommendation.

30.3 Members have considered the officer's report, the written comments of the Local Member and comments of the public speaker, and agree with the conclusion and reasons for recommendation as set out in paragraph 2 of the report.

30.4 RESOLVED to (1) not uphold the objection set out in the report; and

(2) recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.

The meeting ended at 10.45 am.

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Agenda Item 5

Committee:	Regulatory
	Planning Committee

Date: 17 January 2018

Report by: Director of Communities, Economy and Transport

Proposal: Erection of detached, single storey, nursery building to south-west of main School.

Site Address: Parkside Community Primary School, Beechwood Lane, HEATHFIELD, TN21 8QQ

Applicant: Director of Children's Services

Application No. **WD/3381/CC**

Key Issues: 1. Need

- 2. Siting and Design
- 3. Highways Impact
- 4. Ashdown Forest

Contact Officer: David Vickers, Tel. 01273 481629

Local Member: Councillor Rupert Simmons

SUMMARY OF RECOMMENDATIONS

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

CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT.

1. The Site and Surroundings

1.1 The Primary School comprises a modern single storey building approximately 30 years old which was extended in 2007 to enhance the staff facilities. It sits centrally within its site with parking and vehicle circulation to the west, playing fields to the east and hard playground to the south. The site access is from the north-west off Beechwood Lane, a residential cul-de-sac.

1.2 The site is in the south-eastern edge of the built-up area of Heathfield and adjoins the High Weald Area of Outstanding Natural Beauty, the boundary of which is to the east and south. The school appears to be part of a recently built housing estate. 1.3 The School site itself is single Form Entry with 212 children from Reception to Year 6. It is secluded as its boundaries are marked by dense mature trees and shrub to the extent that neither the building nor the majority of its grounds can be seen from outside the site. Some of the trees in the south-west corner of the site are protected by Preservation Order.

2. The Proposal

2.1 The Government has committed to provide 30 hours of free child care for working parents of 2 - 4 year olds. In order to fulfil this commitment Parkside currently offers a nursery facility off-site from The Welcome Church elsewhere in Heathfield approximately 10 minutes walk away.

2.2 The nursery employs 4 staff and provides 34 places which would be in a single storey detached building to be erected in the south-west corner of the site on the edge of a hard play area. Gross floorspace would be 137 m² arranged as a large playroom with ancillary facilities such as kitchen, office and WC around the perimeter. Two external, covered decked areas are proposed; one from the playroom and the other at the entrance which would be approached by a 1:22 inclined ramp.

2.3 The building is pre-fabricated, minimising assembly time on site and comprises mainly vertically timber clad elevations with dark grey powder coated aluminium window frames under grey single ply membrane flat roof covering. A secure play area would be included to the west of the building.

3. Site History

3.1 None relevant on the school site however Beechwood House to the north received permission from Wealden District Council in 2016 for redevelopment to 10 dwellings including conversion of the Lodge with access from Beechwood Lane. Beechwood House formerly housed a children's nursery. (WD/2015/2220/MAJ Refers)

4. Consultations and Representations

4.1 <u>Wealden District Council</u>; The District Council has no objection. The proposal does not raise any significant issues in terms of visual impact on the surrounding area nor would it have any material increased harmful impact on the privacy and amenities of neighbouring properties.

Also the District Council asks that the County Council as competent authority is satisfied that the proposal would not have a likely significant effect upon the Ashdown Forest Special Protection Area and Special Conservation Area as set out in the preamble to Policy WCS12 of the Wealden Core Strategy 2012.

4.2 <u>Heathfield & Waldron Parish Council</u> – The Council supports the proposals.

4.3 <u>Highway Authority</u>; No objection subject to conditions

4.4 <u>Local Representations</u>; Two letters have been received from local residents in Aspen Walk and Beechwood Lane. One is concerned about losses of privacy and trees caused by the development and ask that lost trees are replaced 1:1 and a hedge planted. A grass roof for the new building is also suggested. The other representation is concerned about the traffic impacts on Beechwood Lane which will worsen existing congestion and requests that the opportunity is taken to create additional parking and circulation within the site.

5. The Development Plan policies of relevance to this decision are:

5.1 <u>The Wealden District Council (incorporating part of the South Downs</u> <u>National Park) Core Strategy Local Plan</u>: Policy WCS12 (Biodiversity), as amended following a Court of Appeal judgement.

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 this area.

5.2 <u>Wealden Local Plan 1998</u>: Saved Policies GD1 (Development Boundaries), EN27 (Layout and Design of Development) and EN28 (Design of Development for People with Disabilities), TR3 (Traffic Impact of New Development) and CS1 (Community Services).

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

5.3 <u>National Planning Policy Framework, 2012:</u>

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. Paragraph 72 of Part 8 (Promoting healthy communities) advises Local Planning Authorities to give great weight to the need to alter and expand Schools. Furthermore, Part 4 (Promoting sustainable transport) and Part 7 (Requiring Good Design) are of particular relevance to this proposal.

5.4 Policy Statement on Planning for Schools Development, 2011:

The national policy statement encourages a positive and collaborative approach to planning applications for state-funded schools, with a presumption in favour of the development of such schools. Pre-application discussions and the use of planning obligations are encouraged to help mitigate adverse impacts of the development and where it is necessary to impose conditions, they should be necessary in order to make the development acceptable and clearly justified, thereby demonstrably meeting the tests set out in the National Planning Practice Guidance (NPPG) 'Use of Planning Conditions'. The policy statement also indicates 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 Saved Policy CS1 of the Wealden District Local Plan supports the development of community infrastructure, including schools and nurseries. Further support in principle is found in paragraph 72 of the NPPF as well as the Government's Policy Statement issued in 2011.

6.2 The facility is currently being provided elsewhere in the town demonstrating the need for a pre-school and there are considered to be sound educational reasons why the nursery should be provided at the same site as the primary school.

Siting and Design

6.3 The School site is within the defined development boundary of Heathfield where Saved Policy GD1 in the Wealden Local Plan supports such development provided it accords with the other relevant policies in the Development Plan. Saved Policy EN27 allows for development only if its scale, form, site coverage, density and design respect the character of adjoining development and it has no unacceptable adverse impact on the privacy and amenities of occupiers of neighbouring properties. In addition, Saved Policy EN28 requires proposals for development on land used for educational purposes to provide safe and convenient access for people with limited mobility, where it is reasonable and practicable.

6.4 The building will be approached by ramp and accessible throughout. It is considered to be of a scale and appearance which complements its woodland setting. No trees subject to Tree Preservation Order status are affected by the siting or proposed fencing; these trees are within a small copse between the proposed site and the School's western boundary with its residential neighbours in Aspen Walk. However six trees are to be removed. One of these, a Lime, is dead and the others are small specimens the loss of which will not significantly harm the character or appearance of the immediate area. It is however recommended that these are replaced on a 1:1 basis rather than the single replacement proposed by the applicant in order to maintain vegetational *status quo*. In addition an Ecological Appraisal identifies enhancements which could be made which can be secured by condition.

6.5 The siting of the nursery building will not result in loss of privacy to neighbours. Although one of these, at 4 Aspen Walk, can be seen from the

application site a combination of separating distance of 35 metres from the proposed building to the site boundary with trees and dense vegetation intervening means the proposal complies with Saved Policy EN27 as well as other relevant Saved Policies in the Wealden Local Plan.

Highways Impact

6.6 Saved Policies EN27 and TR3 of the Wealden Local Plan require, inter alia, that new development does not create or perpetuate unacceptable traffic conditions and provides satisfactory means of access.

6.7 The School's layout includes a gated access point leading to a circulation area in front of the building which includes some marked parking spaces and cycle parking facility. The proposal is to relocate the cycle parking closer to the site entrance and to provide an additional 6 marked car parking spaces. This should be sufficient to cater for the nursery related parking demands arising from staff and visitors. With regard to the local representation about traffic in Beechwood Close the Highway Authority notes that until relatively recently Beechwood House accommodated a pre-school nursery. In reality there will be little change to the traffic situation in the area other than nursery children with older siblings in the main school will be able to travel to Parkside together. In addition the school is actively preparing a Travel Plan which should be updated to include the nursery should planning permission be given. An appropriate condition is recommended to secure this.

6.8 For these reasons the proposal is considered to satisfy Saved Policy TR3 in the Wealden Local Plan 1998.

Ashdown Forest

6.9 The Ashdown Forest is adorned with triple designations of 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. It is important that nitrogen depositions in the Forest are not increased to levels which might adversely impact the protected heathland. One of the main sources of nitrogen is from vehicle emissions therefore Core Policy WCS12 of the Wealden District Council's Core Strategy Local Plan requires consideration of the potential for air quality and or emissions which may affect the heathland habitat.

6.10 As the movement of children and carers attending the School and proposed Nursery is already occurring but is most likely confined to Heathfield it is considered that the proposal would not increase numbers of vehicle trips in the town or on routes through the Ashdown Forest. Nitrogen levels in Ashdown Forest would therefore not be materially affected by the proposal and Policy WCS12 is satisfied.

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 provision of an on-site pre-school facility for up to 34 children. The proposed building is considered acceptable in its design and siting complementing its woodland setting without harming the amenities enjoyed by neighbouring residents. Any residual traffic impacts can be mitigated by active Travel Planning. As such, the proposal complies with Policy WCS12 of the Wealden District Council Core Strategy Local Plan and with Saved Policies GD1, EN27, EN28, TR3 and CS1 of the Wealden Local Plan 1998.

7.3 In determining this planning application, the County Council as Local Planning authority 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 responses 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. Before commencement of development details of replacement trees for those to be removed as a result of development shall be submitted to and approved in writing by the director of Communities, Economy and Transport. The details shall include size, type, position, timing and maintenance of specimens and provision for replacement in the event of death within 5 years of first planting. Planting and care shall be carried out in accordance with the approved details.

Reason: In the arboricultural interests of the site and to accord with Saved Policy EN27 of the Wealden Local Plan 1998.

4. Construction shall be carried out in accordance with the Recommendations in 'Preliminary Ecological Appraisal'; PJC Consultancy ref. 3606AO/17.

Reason: To minimise risk to site ecology in accordance with Saved Policy EN27 in the Wealden Local Plan 1998.

5. Development shall be carried out in accordance with the recommended Ecological Enhancements in 'Preliminary Ecological Appraisal'; PJC Consultancy ref. 3606AO/17 which shall be made available before first use of the approved pre-school.

Reason: To enhance site ecology in accordance with Saved Policy EN27 in the Wealden Local Plan 1998.

6. The development shall not be occupied until additional car parking has been made available in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure additional car parking is provided in accordance with Saved Policy TR3 in the Wealden Local Plan 1998.

7. The development shall not be occupied until replacement cycle parking has been made available in accordance with details that have first been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved facilities shall be retained thereafter.

Reason: To ensure additional cycle parking is provided in accordance with Saved Policy TR3 in the Wealden Local Plan 1998.

8. The development shall not be occupied until a draft Travel Plan for the nursery and Primary School has been submitted to and approved in writing by the Director of Economy, Transport and Environment and the approved Travel Plan shall be implemented upon first occupation of the nursery building.

Reason: To help encourage and promote sustainable modes of transport to and from the site.

Schedule of Approved Plans

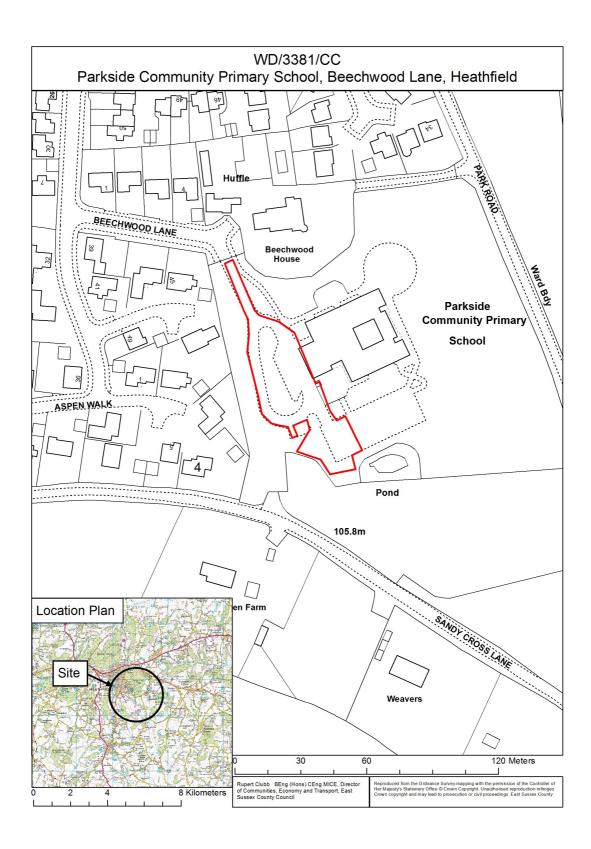
PL01 Rev C - Location, Site and Block Plan, Arboricultural Implications Assessment, PL02 - Proposed Floor Plan, PL03 - Proposed Roof Plan, PL04 -

Proposed Elevations, PL05 - Proposed Elevation and Section, Preliminary Ecological Appraisal, Tree Protection Plan

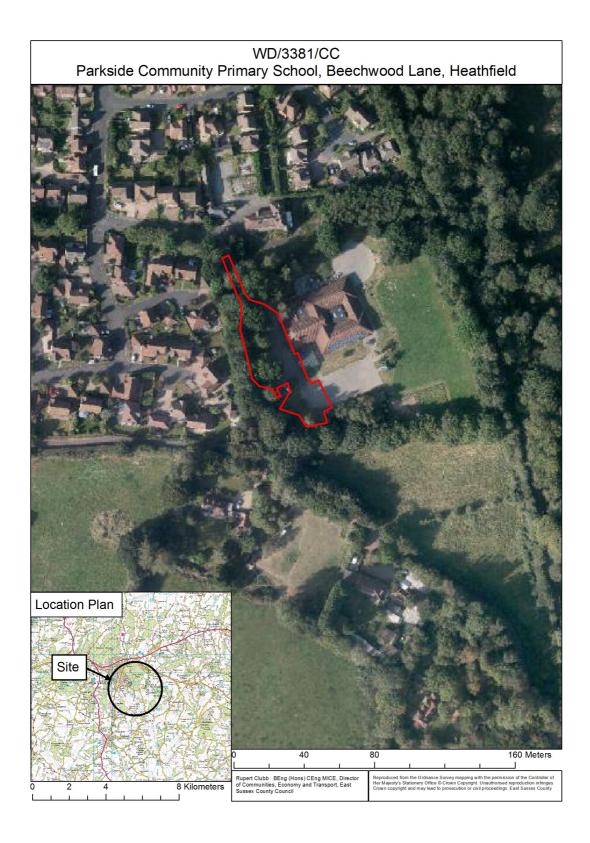
RUPERT CLUBB Director of Communities, Economy and Transport 8 January 2018

BACKGROUND DOCUMENTS

Planning Application File Development Plan National Planning Policy Framework, 2012 Policy Statement on Planning for Schools Development, 2011



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Agenda Item 6

Committee	Regulatory Planning Committee
Date	17 January 2018
Report by	Director of Communities, Economy and Transport
Subject	Development Management Quarterly Update
Purpose	To inform Members about development management matters relating to enforcement and site monitoring, undertaken under delegated powers for the three month period between 1 October and 31 December 2017.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 October and 31 December 2017, there were fifteen new alleged breaches of planning control. Of the new cases, fourteen were resolved within the reporting period and four older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of December 2017 was ten. This represents a decrease of three in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 Appendix 1 of this Report provides details of cases resolved and received within the period 1 October to 31 December 2017, 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 has continued, but has to be accommodated within limited resources and alongside the enforcement service. During the last quarter eight non-chargeable site monitoring visits were carried out and one chargeable monitoring visit was undertaken. No breaches of planning control were identified during the course of these visits. It should be noted that the monitoring visits recorded here relate to formal, pre-arranged visits. This does not, therefore, include monitoring visits that are undertaken during the course of an enforcement investigation/monitoring – such as monitoring hours of operation following a complaint.

3. Appeals

3.1 As reported in the previous Quarterly Update report, two appeals are currently being dealt with. The first is against the Council's decision in March 2017 to refuse planning permission for the demolition and replacement of the existing waste transfer station building to enable continued use of the site as a waste transfer station at Unit 3 Cradle Hill Industrial

Estate, Cradle Hill Road, Seaford. The appeal is valid and is being dealt with under the written representations procedure. The Council has submitted its statement of case and all the necessary information. The appellant has until 17 January 2018 to comment on the Council's statement and any other third party representations that have been submitted. The Planning Inspectorate will then arrange for an Inspector to undertake a site visit. Members will be advised of the outcome of the appeal in future reports.

3.2 The second appeal is against the Enforcement Notice that was served in relation to the unauthorised importation, deposit and processing of waste materials at Upper Lodge Farm, The Broyle, Ringmer. The Notice required the cessation of the activity and the clearance of the site. The appellant has appealed on "Ground (a)": that planning permission should be granted for the activity, and has requested that the matter is dealt with by way of a Hearing. Confirmation that the appeal is valid is still awaited from the Planning Inspectorate and Members will be advised of the outcome of the appeal in future reports.

4. Contact Officers

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

RUPERT CLUBB Director of Communities, Economy and Transport 08 January 2018

Local Members: All

BACKGROUND DOCUMENTS

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

Appendix 1

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE OCTOBER 2017

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
November 2016	Allsworthy, Hailsham Road, Stone Cross	Importation and deposit of waste	A complaint was received that waste materials were being imported into the site and deposited. A joint site visit with an officer from the Environment Agency was carried out, which confirmed the substance of the complaint. A site meeting was held with the landowner and a time period for removal of the waste imported into the site agreed. Further monitoring continued and a further site visit confirmed that the landowner has cleared all the imported waste from the site. Breach of planning control resolved and no further enforcement action required.
August 2017	125 Eastbourne Road, Willingdon	Importation and deposit of waste	A complaint was received that waste materials were being imported into and deposited in the front and side gardens of this residential premises. A site visit confirmed the substance of the complaint. A site meeting was subsequently held with the landowner who explained that a tenant at the house had started a house clearance business and had failed to make adequate provision for the onward disposal of the waste materials that he had collected, so he brought them back to the house and deposited them in the garden.
			The landowner was advised that this was not acceptable and a timescale for the clearance of the site was agreed. Regular site monitoring was undertaken and the site has now been cleared of all imported waste materials. Breach of planning control resolved and no further action required.
September 2017	JM Waste Management, Brett Drive, Bexhill	Breach of Conditions (storage of waste)	Officers, attending the area in connection with other matters, noticed what appeared to be waste materials that were being stored outside of the waste transfer building. A site visit confirmed that this was occurring, which is a breach of one of the conditions attached to the planning permission that relates to the site.
			Discussions were held with the operator and a short period of time given to allow him to return the site to compliance with the condition. Prior to the expiry of the time period given, the operator contacted officers to advise that the waste stored outside the building had been cleared. A further site visit confirmed that the waste had been removed. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.
September 2017	AM Skip & Plant Hire, London Road, Maresfield	Breach of Conditions (hours of operation)	A complaint was received that the site was being operated outside the hours permitted by the conditions that are attached to the planning permission relating to the site. Initial site monitoring was undertaken, which confirmed the nature of the complaint.
			A letter was sent to the operator, who replied that the breach of planning control was caused by new overzealous employees, who have now been advised of the permitted hours of operation of the site.
			Extensive further site monitoring has been undertaken and no further breaches of the hours of operation condition have been identified. Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2017 AND RESOLVED

October 2017	Ridgelands Wood, Ridgelands Lane, Newick	Importation and deposit of waste (hardcore)	A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken which confirmed the details contained within the complaint. A meeting was held with workmen who were on site who had explained that the hardcore was required to undertake repairs to a long private track within the Newick Park Estate and the hardcore itself had been generated from works elsewhere on the Estate. The works are considered to be permitted development and do not require planning permission. No breach of
			planning control and no further enforcement action required.
October 2017	Vines Cross Waste Water Treatment Works, Vines Cross	Breach of Condition (noise)	A complaint was received that excessive noise was being generated from the site during the late evening, which the complainant considered to be a breach of a noise condition attached to the planning permission relating to the site. A site visit was carried out and it was noted that construction works were being undertaken. Discussions were held with the site manager, who stated that works on the site were only carried out during normal business hours and no works were undertaken on the site after 6pm. The works are considered to fall within the operator's permitted development rights, as a statutory undertaker, and therefore do not require planning permission. The complainant was notified of the situation regarding planning and advised, should any noise issues continue, to involve the Environmental Health Officer at Wealden District Council. The complainant stated that since the officer's visit there has been no noise in the late evening.
			No breach of planning control and no further enforcement action required. The site will continue to be monitored as part of the Council's Site Monitoring Policy.
October 2017	Bell Reed Farmyard, Dads Hill, Cross-in- Hand	Importation and deposit of waste soils	A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A joint site meeting was arranged with Wealden District Council and discussions held with the landowner. The landowner explained that the purpose of importing the waste materials into the site was to create earth bunds along the boundary of the site as a means of enclosure. This is considered to be an engineering operation and a matter for Wealden District Council, who is dealing with this issue. No further action required by this Authority, as Waste Planning Authority.
October 2017	Tutts Barn Farm, Tutts Barn Lane, Eastbourne	Importation and deposit of household clearance waste	A complaint was received that waste materials from a house clearance business were being imported into the site, deposited and sorted with useful items being recycled and the residual waste being bulked up into a skip before being removed from the site. A site visit was undertaken which confirmed the substance of the complaint and also identified other planning issues which fall within the responsibility of the local planning authority.
			A subsequent site meeting was held with the tenant farmers, where the planning situation was explained to them. They confirmed that the importation of any further waste had ceased and that the operator had now removed, to an authorised waste transfer station, any waste that had been imported into the site.

			Breach of planning control resolved insofar as this Authority, as Waste Planning Authority, is concerned. In respect of the other potential planning issues at the site, the tenant farmer is seeking advice from the relevant planning authority.
October 2017	Spillane Plant Hire, Honey Pot Farm	Importation, deposit and crushing of waste	A complaint was received that waste materials, comprising hardcore, were being imported into the site and processed by being crushed.
	Depot, Polegate	hardcore	A site visit was undertaken and a meeting held with the operator. There was a small quantity of hardcore on the site which was clearly related to the site's use as a groundworks and plant hire depot. Further site visits have been undertaken and the quantity of hardcore on the site has remained within the levels that are considered to be ancillary to the main core business.
			No breach of planning control and no further action required by this Authority.
October 2017	Havenswold, Hempstead Lane,	Unauthorised breaking of end of life vehicles	A complaint was received that end of life vehicles were being imported into this site and were being dismantled, without the required planning permissions being in place, and that fluids were contaminating the road.
	Hailsham		A joint site visit with an officer from Wealden District Council was undertaken and also the planning history for the site investigated. Car breaking and scrap storage has been operating at the site continuously for many years and is considered to be lawful and, therefore, immune from planning enforcement action. There was no evidence of any run-off/contamination in the road.
			No breach of planning control and no further action for this Authority.
October 2017	Unit 10, Granary Business Centre,	Importation and breaking of end of life vehicles	A complaint was received that end of life vehicles were being imported into the site and stripped of their parts before the body shells were removed from the site and scrapped at an authorised scrap metal dealer.
	Broad Farm, Hellingly		A joint site visit with an officer from Wealden District Council was undertaken, and discussions held with occupiers of adjoining units, which failed to confirm the details supplied by the complainant. Further site monitoring on numerous occasions, at the times the complainant alleged this activity was taking place, was also undertaken and this too failed to confirm the details supplied by the complainant.
			A site meeting was then arranged with the tenant who explained the site is used to maintain and repair stock cars, which are raced at tracks locally and in the London area. The site was inspected at the time of the site meeting and this confirmed the details supplied by the tenant.
			No breach of planning control and no further action required.
October 2017	Burfield Academy, Hailsham	Breach of Condition, (clearance of vegetation in wildlife corridor)	A complaint was received that landscaping works were being undertaken at the site, within the wildlife corridor which would effectively destroy the corridor.
			A site visit was undertaken and discussions held with personnel on site. It was explained that the works being undertaken were the cutting back of overgrown brambles, following a complaint from a neighbour that the vegetation was damaging his boundary fence. Once the brambles had been cut back the cuttings were being left in the wildlife corridor in order that they would provide habitat for the wildlife using this area.

			No breach of planning control identified and no further action required.
October 2017	Frogheath Nursery, Burwash Weald	Importation and deposit of waste materials	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken and a meeting held with the owner of the site. The imported materials were not waste materials, but products purchased by the operator in connection with their landscaping and nursery business. This was confirmed by what was seen during the site visit. No breach of planning control and no further action required.
October 2017	Kingsfield Farm, Straight Half Mile, Maresfield	Importation and deposit of waste (soils and hardcore)	A complaint was received that waste materials were being imported into the site and deposited. A joint site visit with an officer from Wealden District Council was carried out, which confirmed the substance of the complaint. A site meeting with the landowners was subsequently arranged, during which they explained that the vast majority of the imported waste materials were for maintaining and repairing the long agricultural track which runs through the site. This was confirmed from observations during the site meeting. The landowner had also cleared a small area of land which had historically been used by the previous owners as a dumping ground for all waste materials that were generated on the farm. Some of this waste had been buried and in clearing the site the area became extremely rutted and unusable. In order to bring the land back into use, a small quantity of soils involved and their inert nature, the apparent absence of harm and the fact that the levels of the land were not materially increased by this activity, it was agreed that no further action was required in respect of this matter. Breach of planning control therefore resolved and no further action required.
October 2017	Three Oaks Farm, Catsfield Road, Ninfield	Importation and deposit of waste materials	 A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited. A site visit was undertaken which confirmed the substance of the complaint. A joint site meeting was arranged with officers from Wealden District Council (WDC), the County Council's Flood Risk Management Team, the landowner and the operator. The landowner explained that the purpose of the importation was to improve the access track to the farm and also improve the grazing for his livestock. WDC identified that a barn had been constructed on the site without the benefit of any planning permission, and the Flood Risk Management team also identified that there had been works undertaken to the watercourse on the site which would ordinarily require an Ordinary Watercourse Consent. WDC have taken the view that the works undertaken on the agricultural land are an engineering operation and require planning permission, as does the unauthorised barn. The landowner has been invited to submit a planning application to WDC to seek to regularise the planning situation on the site. The works to the watercourse are considered to be appropriate subject to some minor remedial works which the landowner has agreed to undertake. These works will be monitored by the Flood Risk Management Team.

			Consequently, there is no breach of planning control for this Authority to deal with and no further action required.
November 2017	156 Elphinstone Road, Hastings	Importation and deposit of waste	A complaint was received that waste materials, particularly scrap metal, were being imported into the site and deposited. A site visit was undertaken and a meeting held with the landowners, who explained that the materials on the site were being generated from renovation works being undertaken within their property. There was no evidence of scrap metal being imported into the site and being stored.
			There is no breach of planning control for this Authority, as Waste Planning Authority, to deal with and the matter has been referred to Hasting Borough Council for consideration of possible action under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014
November 2017	Tomkins Farm, Cinder Hill, Chailey	Importation and deposit of waste soils	A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and deposited. A joint site visit was undertaken with an officer from Lewes District Council, during the course of which a meeting was held with the landowner. The landowner explained that the waste materials were required to build a barn base for an extension to an existing barn. The barn extension already has the benefit of planning permission, granted by Lewes District Council. The landowner also explained the rest of the imported waste materials had been used to construct a bund to screen the barn.
			Whilst the barn extension, including the base, does have planning permission and therefore is not a breach of planning control, the screening bund is considered to be an engineering operation and does not have the benefit of planning permission. The landowner is in the process of submitting a planning application to Lewes District Council in respect of this bund and has, in the meantime, agreed to cease any further importation of soils to the site. There is no breach of planning control for this Authority, as Waste Planning Authority, and no further action is required.
December 2017	Bede's School, Upper Dicker	Importation and deposit of waste materials (soil)	A complaint was received that waste soils were being imported to the site. A site visit was carried out and discussions held with the School staff, who confirmed that the materials were being imported in connection with a planning permission granted by Wealden District Council for the creation of sports pitches. No breach of planning control and no further action required by this Authority.

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE OCTOBER 2017 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
December 2017	Land adjacent to The Downs View, Hailsham Road, Stone Cross	Importation and deposit of waste (wood and green waste)	Whilst in the area dealing with another matter, officers noticed a significant quantity of waste in the field adjacent to this residential property. Contact was made with the landowners, who stated that the waste comprised wood and green waste and had originated from their property. They were in the process of getting it cleared, but had been hampered by the weather and very wet ground conditions.
			The landowner is keeping officers updated on the situation at the site, and when the site has been cleared a final site

	visit will be arranged.	
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TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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.
			Officers, in conjunction with officers from the Environment Agency, continued to undertake regular site visits and meetings with the landowner to ensure that the phased clearance of this site was 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.
			Further site visits were subsequently carried out, including with officers from the Environment Agency. It was noted that further waste appeared to have been imported to the site and there was also evidence of further burning taking place. Consequently, an Enforcement Notice was served on the landowners on 28 November 2016. No appeal was made against the Enforcement Notice and it became effective on 29 December 2016. The Enforcement Notice requires: (i) the immediate cessation of the importation, deposit, and disposal (including burning) of waste; and (ii) various areas to be cleared of waste and waste residue within twelve months of the Enforcement Notice taking effect (i.e. by 29 December 2017).
			Regular site monitoring has continued to be undertaken and no more waste has been imported to the site or burnt. A further site visit is due to be carried out to ensure the requirements of the Enforcement Notice have been met.
July 2015	Holleys Yard, Squires Farm Industrial Estate, Easons Green	Importation, deposit and storage of waste wood	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. One of the Directors 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.
			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. An Enforcement Notice was therefore served 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 given (until 4 March 2018). Since the service of the Enforcement Notice, the Environment Agency made further 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
			The site has been regularly monitored and the waste wood is still on site. Officers have tried to assist the landowners with possible means of legitimate disposal of the waste wood, however little progress has been made by the landowner.
			The landowners have subsequently been in contact with officers concerning a proposal for an operation at the site which could provide the finance to help with the disposal of the waste wood. They are in the process of preparing information in order to engage in pre-application discussions to see whether a planning application for their proposal has merit and can be supported.
May 2016	Land to the North of Leeds Lane, Five Ashes	Importation and deposit of waste materials	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.
			The positon 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 did not have any stability and was noted to have started to slip. It was considered that the works to the track were excessive and unnecessary, and amounted to a waste disposal operation. The tenant farmer was therefore requested to remove the imported waste from the site.
			Some materials were removed and officers have continued to liaise with all the regulatory authorities in order to provide the landowner with cohesive view of what is required in order to resolve this matter. A phased programme of works was agreed and a further site meeting held with the landowner's agent and the tenant. It was hoped that the agreed programme of works would be completed before the onset of poorer weather, but ground conditions made it difficult for machinery to access the site. An extension of time was agreed for the works to be completed by the end of May 2018, and the site has continued to be monitored.
			Some of the agreed remedial works have been carried out, but ground conditions have now deteriorated to such an extent that machinery cannot now access the site at all. The remedial works will resume when the weather and ground conditions have improved sufficiently to allow machinery access to the site and it is anticipated that the previously agreed timescale will be met. Officers will continue to monitor the site
June 2016	Penfold Driveways, The Warren, Crowborough	Unauthorised development	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.

			A pre-application site meeting with the operators took place and the operator's agent contacted officers to confirm that a planning application would be submitted. However, no application was forthcoming and the operator appointed a new agent, who contacted officers with a view to expediting the submission of the planning application. Officers continued discussions with the operator's agent, who stated that they are proposing works on the site that have not previously been discussed, and which could possibly be unsupportable. No final details or plans have been submitted as yet. The Environment Agency subsequently served warning letters on all the operators of the site and required them to remove the imported waste materials by 29 December 2017. Officers are due to shortly undertake a joint site visit with the Environment Agency to assess the current situation at the site, and determine whether any enforcement action is required by this Authority.
February 2017	Freedom Powerchairs Ltd, Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of waste	A complaint was received that old UPVC window frames were being imported into this site and processed. A site visit was undertaken which confirmed the details contained within the complaint. A meeting was held with the landowner where the requirement for planning permission for this type of operation was explained. A further site meeting was also held with the operator and discussions were undertaken concerning the planning requirements for activities at the site. The operator was given a timescale in which to either submit a planning application to regularise the unauthorised development, or to cease the use of the site for waste processing and clear the site of the imported waste.
			The operator failed to submit a planning application within the agreed timescale, or clear the site of the imported waste. Formal enforcement proceeding were therefore instigated against the landowner and operator and an Enforcement Notice was served on 10 July 2017. An appeal was made against the Enforcement Notice. However, it was then noted that there was a technical error in the explanatory note which accompanied the Enforcement Notice. Whilst this did not materially affect the Notice itself, it was decided by the Council that the Enforcement Notice should be withdrawn and then immediately re-issued with an amended explanatory note. The first Enforcement Notice was withdrawn on 22 August 2017 and the second Enforcement Notice was served on 29 August 2017.
			An appeal against the Enforcement Notice was made to the Planning Inspectorate, which puts the notice in abeyance. Confirmation that the appeal is valid is still awaited.
April 2017	Remove It, The Old Poultry Farm, Rattle Road, Westham	Importation and deposit of waste (House Clearance)	A complaint was received that waste materials from house clearances were being imported and deposited at the site. A site visit was undertaken which confirmed the details contained within the complaint. Contact was made with the operator who stated that he was in the process of clearing the site and vacating it because he had been given notice to quit by the landowner. The existing buildings are to be demolished and a new block of industrial units are to be constructed.
			The operator commenced clearing of his area of the site and then the landowner commenced the demolition of the buildings. Whilst doing this, the landowner lit a bonfire containing waste materials, including items containing asbestos. The Environmental Health Officer for Wealden District Council subsequently served a Notice on the landowner under the Environmental Protection Act 1990. This requires the landowner to undertake surveys of the demolition site to assess the level of contamination and to arrange for the correct removal of any contaminated materials. In conjunction with this Notice, no-one is currently allowed to enter the site until these surveys have been completed.

			Regular monitoring visits have been undertaken, as well as maintaining contact with other regulatory authorities who are involved. There is currently no change in the situation at the site.
July 2017	PJG Group, Unit 2, Bowlings Corner, Marley Lane, Battle	Unauthorised development	The operator at this site has been storing waste on the rear of lorries and in skips at the site. The frequency of the use of the site for this type of activity has increased and is now considered to require planning permission. The operator has been advised of this requirement and has stated that he intends to submit a planning application in connection with this matter.
			The situation is continuing to be monitored by officers to ensure that either a planning application is submitted or the use of the site for the importation and storage of waste ceases.
September 2017	Sussex Waste Management. Whitworth Road, St. Leonards-on-Sea	Breach of Conditions (pre-commencement)	This site has planning permission and an Environment Agency permit to operate as a Waste Transfer Station, the most recent planning permission (HS/759/CM) being granted in November 2015. There were a number of pre commencement conditions attached to this planning permission concerning the waste transfer pad, the recycled material bays, bay push walls and the site drainage. To date none of these conditions have been discharged
			A site visit was undertaken to try and meet the operator to get an update on the current situation at the site. The operator was not available but it was noted that the waste treatment pad had been constructed and was in use. Contact was subsequently made with the operator, who stated that he had been concentrating all his efforts on raising the finance to purchase the site and therefore he had not sought to discharge the outstanding conditions. He has put the matter in the hands of his planning agent to get the outstanding conditions discharged.
			The site has continued to be monitored, but the details to discharge the conditions have not yet been submitted. The operator has now been given until 15 February 2018 to submit the details. If the details are not submitted by this date, consideration will be given to the instigation of formal enforcement proceedings.
September 2017	4 Faversham Road, Eastbourne	Importation and deposit of waste.	A complaint was received that waste materials were being imported into and stored in the front and rear gardens of this site, which is a residential end of terrace house. A site visit was carried out which confirmed the substance of the complaint.
			The landowner is currently clearing the site of the imported waste. However, this is progressing slowly as he now has to work away from the site during the week and therefore can only work on the site at weekends. Regular monitoring of the site is continuing and contact with the landowner is being maintained.

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Agenda Item 7A

Committee:	Regulatory Planning Committee	
Date:	17 January 2018	
Report by:	Director of Communities, Economy and Transport	
Title of Report	Heathfield Parking Review	
Purpose of Report	To consider the objections received in response to the formal consultation on the draft Traffic Regulation order associated with 'The East Sussex (Various Roads, Heathfield) (Prohibition of Waiting) Order 201*'	
Contact Officer:	Helen Pain 01424 724559	
Local Member:	Councillor Simmons	

RECOMMENDATION

The Planning Committee is recommended to:-

- 1. Not uphold the objections to the draft order as set out in Appendix 1 of this report; and
- 2. Recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

1.1 Over the last few years a number of safety concerns relating to on-street parking have been raised by members of the public and Heathfield and Waldron Parish Council across a number of sites in Heathfield. These sites are deemed to benefit from some form of parking restriction being installed. The sites being taken forward as part of this Heathfield Parking Review were determined in consultation with Heathfield and Waldron Parish Council.

1.2 Following investigations, proposals were put together at 9 sites in Heathfield. These proposals involve the introduction of 'No Waiting At Any Time' restrictions, which will be indicated through the installation of double yellow lines. Copies of the formal proposals were sent to Heathfield and Waldron Parish Council, Wealden District Council, Councillor Simmons, Councillor Chris Dowling, Heathfield Chamber of Commerce, the emergency services, the Freight Transport Association, the Road Haulage Association, the East Sussex County Council Passenger Transport team and Stagecoach.

1.3 The proposals were publically advertised together with the draft Traffic Regulation Order in the Sussex Express between 15th September and 6th October 2017. Notices were placed on posts and lamp columns in the affected areas

between 14th September and 13th October 2017. The notices were left on street for an additional 7 days as we were made aware that the Library in Heathfield had not made the documents available for public inspection in the first few days of the public advertisement period.

1.4 During the public advertisement period, 4 objections were received. Two of these objections supported the proposals in principal but requested that further parking restrictions were considered. The other 2 objections were primarily concerned over the loss of on-street parking for residents. The 4 objections relate to the proposal to install double yellow lines as junction protection at the following locations:-

Gibraltar Rise junction with Marshlands Lane Gibraltar Rise junction with Station Road & Highcroft Crescent Mill Road junction with Mill Close

1.5 A summary of the objections and officer comments are included in Appendix
1. Plans and photographs showing the proposals and areas being objected to are included in the Additional Information Pack. Full copies of all correspondence are available in the Member's Room.

2. Comments and Appraisal

2.1 The proposals aim to have a positive effect on road safety and improve the environment through which the road passes by keeping junctions clear of parked vehicles and enabling adequate visibility when exiting and entering the junctions.

2.2 Balancing the needs of all road users, particularly in residential areas and areas where schools are located, can be challenging. It is recognised that local residents and their visitors have parking needs, and, in the case of roads where schools are located, the increased demands on the available parking spaces can lead to frustration for local residents.

2.3 The proposed restrictions are limited to areas where parking currently causes obstruction or danger to other road users. The proposals are to ensure a safe passage of traffic and to ensure that sight lines are protected at junctions, where collisions are more likely due to conflicting vehicle manoeuvres, whilst maintaining as much parking for residents and other road users. We are also mindful that an element of on street parking has a positive benefit in regulating vehicle speeds.

3. Conclusion and reasons for approval

3.1 The proposals aim to address the safety concerns at a number of junctions in Heathfield, which have been raised over a number of years. It is fully appreciated that the loss of any on street parking will be contentious when there are so many competing demands for parking within the limited road space. For this reason and to ensure any restriction is as self-enforcing as possible, the restrictions have been kept to a minimum.

3.2 It is therefore recommended, for the reasons set out in this report, that the Planning Committee does not uphold the objections to the draft 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

1. Site 1 Gibraltar Rise junction with Marshlands Lane (Councillor Simmons)

1.1 The proposals are to install 'No waiting At Any Time' restrictions indicated by double yellow lines at the junction of Gibraltar Rise with Marshlands Lane to keep the junction clear of parked vehicles, enabling adequate visibility when exiting and entering the junction. There is a general legal requirement (as detailed in the Highway Code) not to park within 10 metres of a junction. In respect of the junction of Gibraltar Rise with Marshlands Lane the proposal is to install 11 metres of double yellow lines on both sides of Gibraltar Rise from the junction with Marshlands Lane which would leave a gap of 10 metres for available parking before the driveway to No1 Gibraltar Rise. In Marshlands Lane 15 metres of double yellow lines are proposed to the northwest of the junction with Gibraltar Rise and 25 metres to the southeast (this length is longer to assist vehicles exiting Regent Place on the opposite side of Marshlands Lane). There is currently 35 metres of double yellow lines on both sides of Marshlands Lane from the junction with the A265 High Street.

1.2 Three objections were received. The first objector supports the proposals for the double yellow lines at the junction of Marshlands Lane with Gibraltar Rise but is concerned about where the displaced vehicles will go, ie outside of their property in Gibraltar Rise causing problems and annoyance for them and that Gibraltar Rise needs to be for resident parking only. The second objector is concerned about where vehicles will park once the lines are in place and that they will struggle to park outside their property in Gibraltar Rise. This objector feels the parking problems have been exacerbated by planning decisions on housing provision in the area which has meant more cars competing for available on street parking. The third objector feels that attempting to turn left up Marshlands Lane from Gibraltar Rise is very difficult and 15 metres of proposed double yellow lines seems insufficient. They would support no parking on this complete section.

1.3 The proposed lengths of double yellow lines are deemed appropriate for this residential junction to ensure that safety for those vehicles entering or exiting the junction is not compromised, whilst ensuring the restrictions are kept to a minimum so that they are as self-enforcing as possible and any impact on residents is limited. To extend the restrictions beyond the areas where drivers can identify and appreciate the reasons why they have been provided is likely to result in them being It is also recognised that an element of on street parking will assist in ignored. regulating vehicle speeds and removing all the parking could result in increased vehicle speeds. It would not be appropriate to restrict parking in Gibraltar Rise to residents only as the majority of properties in Gibraltar Rise have off street parking provision however an advisory access protection marking has been offered to the objectors to minimise any incidences of drivers obstructing driveways should this occur. The comments made about the planning decisions on housing provision in the area are noted; however the TRO process is not an appropriate mechanism to review previous planning decisions in the area (although parking associated with the developments would have been a material planning consideration, where relevant).

1.4 **Recommendation:** To not uphold the objections and to implement the proposals as advertised.

2. Site 2 Gibraltar Rise & Highcroft Crescent (Councillor Simmons)

2.1 The proposals are to install 'No waiting At Any Time' restrictions indicated by double yellow lines for 20 metres on the south-eastern side of Gibraltar Rise from the junction with Station Road and 15 metres to the southwest of the junction with Highcroft Crescent.

2.2 One objection was received which requested no parking on Gibraltar Rise from Highcroft Crescent to the junction with Station Road as parking so close to the exit is unsafe.

2.3 The proposed restrictions are limited to areas where parking currently causes obstruction or danger to other road users. The proposals are to ensure safe passage of traffic and to ensure that sight lines are protected at the junctions where collisions are more likely due to conflicting vehicle manoeuvres. To extend the restrictions beyond the areas where drivers can identify and appreciate the reasons why they have been provided is likely to result in them being ignored. It is also recognised that an element of on street parking will assist in regulating vehicle speeds and removing all the parking could result in increased vehicle speeds in Gibraltar Rise. This request has however been added to the list of outstanding sites in Heathfield where some form of parking restriction is being requested, to be fully investigated should the resources become available to undertake a further parking review in the future.

2.4 **Recommendation:** To not uphold the objections and to implement the proposals as advertised.

Site 3 Mill Close junction with Mill Road (Councillor Simmons)

3.1 The proposals are to install 'No waiting At Any Time' restrictions indicated by double yellow lines for 10 metres on both sides of Mill Close from the junction with Mill Road and 20 metres in Mill Road to the southwest of the junction with Mill Close and 23 metres to the northeast of the junction with Mill Close.

3.2 One objection was received. The objector supports the proposals, however suggests thatit would be better and more effective if the restriction in Mill Close were lengthened. Also the double yellow lines in Ghyll Road in the vicinity of Jubilee Park need to be extended to improve visibility for pedestrians crossing the road.

3.3 There is a general legal requirement (as detailed in the Highway Code) not to park within 10 metres of a junction and the proposed 10 metres of double yellow lines on both sides of Mill Close reflect this general legal requirement and is considered to be adequate on this residential road whilst ensuring the restrictions are kept to a minimum so that the restrictions are as self-enforcing as possible. The double yellow lines in Mill Road have been extended beyond the 10 metres due to the presence of the driveways and to ensure the double yellow lines do not terminate half way across them. The comments made about parking on Ghyll Road in the vicinity of Jubilee Park are noted however this is a new request which has not been made to us in the past. As such it falls outside of the scope of this parking review. It has however been added to the list of outstanding sites in Heathfield where some form of parking restriction is being requested, to be fully investigated should the resources become available to undertake a further parking review in the future.

3.4 **Recommendation:** To not uphold the objections and to implement the proposals as advertised.

EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

The East Sussex (Various Roads, Heathfield) (Prohibition of Waiting) Order 201*

East Sussex County Council, in exercise of their powers under sections 1(1), 2(1) to 3 and 4(2) of the Road Traffic Regulation Act 1984 ("the Act"), as amended, and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act and Traffic Management Act 2004, hereby make the following Order:-

1. In this Order all references to measured distances are approximate, and

"disabled person" and "disabled person's badge" have the same meaning as in The Disabled Persons' (Badges for Motor Vehicles) Regulations 2000;

"disabled person's concession" has the meaning given by Section 117(3) of the 1984 Act;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge and which is a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 2000 to be included in an Order under the Act of 1984, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

" parking disc" means a device which-

- (a) is 125 millimetres square and coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and

(c) is capable of showing the quarter hour period during which a period of waiting has begun; and

"relevant position" means for the purposes of this regulation, in the case of a Disabled Person's Badge

(a) A vehicle displays a disabled person's badge in the relevant position if:-

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 of the badge is legible from the outside the vehicle; or

(ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle.

(b) A vehicle displays a parking disc in the relevant position if:-

(i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle; or

(ii) in the case of a vehicle not so fitted, the disc is exhibited in a conspicuous position on the vehicle so that the quarter-hour period during which the period of waiting began is legible from outside the vehicle.

"emergency vehicle" has the same meaning as in The Road Vehicles Lighting Regulations 1989 or any re-enactment or modification thereof from time to time in force;

"road" means the full width-including footway or verge of any length of highway or of any road to which the public has access;

"vehicle" means a motor vehicle or a trailer and have the same meaning as in section 136 of "the Act"

- 2. Save as provided in Article 3 and 4 of this Order, no person shall except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer or traffic warden, cause or permit any vehicle to wait at any time in the lengths of road specified in Schedule One to this Order.
- 3. Nothing in Article 2 of this Order shall render it unlawful to cause or permit any vehicle to wait in the length of road referred to in that Article for so long as may be necessary to enable:-
 - (a) a person to board or alight from the vehicle;
 - (b) goods to be loaded onto or unloaded from the vehicle;
 - (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely -
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of roads; or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system as defined in the Telecommunications Act 1984;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (c) the vehicle to be used for the purpose of delivering or collecting postal packets as defined in the Postal Services Act 2000 (Consequential Modifications to Local Enactments No.1) Order 2002 (S.I.2002/648);
 - (d) the vehicle to be used for emergency services purposes.

4. Part(s) of the following Orders are hereby revoked;

'The East Sussex (Various Roads in Heathfield) (Prohibition and Restriction of Waiting) Consolidation Order 1995' insofar as it relates to First Schedule, No Waiting At Any Time; Item 22. Mutton Hall Hill (A265) (b) southeast side: (i) from its junction with the northeastern kerbline of Marshlands Lane, north-eastwards for a distance of 63 metres and;

'The East Sussex (Various Roads in Heathfield) (Traffic Regulation) Order 2006' insofar as it relates to First Schedule, No Waiting At Any Time; Item 11 Thorny Close – both sides: from its junction with Station Approach southeastwards for a distance of 15 metres and Item 12 Waldron Thorns – eastern side: from its junction with Station Approach south-eastwards for a distance of 15 metres.

- 5. Nothing in Article 2 of this Order shall render it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver or other person in charge of the vehicle has marked the time at which the period of waiting began) to wait in the lengths of roads referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in the same length of road).
- 6. This Order may be cited as "The East Sussex (Various Roads, Heathfield) (Prohibition of Waiting) Order 201*" and shall come into force on *** 201*.

SCHEDULE ONE NO WAITING "AT ANY TIME"

Ghyll Road	north-east side	from the south-eastern kerbline of Tilsmore Road south- eastwards for 15 metres.
		from the north-western kerbline of Tilsmore Road north- westwards for 15 metres.
Tilsmore Road	both sides	from the north-eastern kerbline of Ghyll Road north- eastwards for 15 metres.
Station Road	north-east side	from its junction with the north-western kerbline of Collingwood Rise south-eastwards for 22.5 metres.
	south-west side	from the north-western kerbline of the access to Moles (Scats County Store) south-eastwards for 42.5 metres.
Gibraltar Rise	south-east side	from the north-eastern kerbline of Station Road north- eastwards for 20 metres.
		from the south-western kerbline of Highcroft Crescent south- westwards for 15 metres.
	eastern side	from the northern kerbline of Highcroft Crescent northwards for 15 metres.
	both sides	from the south-western kerbline of Marshlands Lane south-

		westwards for 11 metres.
Highcroft Crescent	both Sides	from the eastern kerbline of Gibraltar Rise eastwards for 10 metres.
Marshlands Lane	south-west side	from the south-eastern kerbline of Gibraltar Rise south- eastwards for 25 metres.
		from the north-western kerbline of Gibraltar Rise north- westwards for 15 metres.
Mill Road	north-west side	from the south-western kerbline of Mill Close south- westwards for 20 metres.
		from the north-eastern kerbline of Mill Close north-eastwards for 23 metres.
Mill Close	both sides	from the north-western kerbline of Mill Road north-westwards for 10 metres.
Back Lane	both sides	from the southern kerbline of the B2102 High Street southwards for 20 metres.
Thorny Close	south-west side	from the junction with Waldron Thorns south-eastwards for 15 metres.
	north-east side & south-west side	from the junction with Station Approach on the north-east side of Thorny Close south-eastwards and around the turning head and then north-westwards on the south-west side of Thorny Close for a distance of 142 metres.
Waldron Thorns	eastern side	from the south-western kerbline of Thorny Close southwards for 15 metres
Mutton Hall Hill	south-east side	from the north-eastern kerbline of Marshlands Lane north- eastwards for a distance of 107 metres.
		from a point 132 metres north-east of the north-eastern kerbline of Marshlands Lane north-eastwards for 69 metres.

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

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Authorised Signatory

H & T Ctte. 2.4.74 - para 4.2 joint report of Director of Legal & Community Services & County Engineer - para 4.

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Agenda Item 7B

Committee:	Regulatory Planning Committee
Date:	17 January 2018
Report by:	Director of Communities, Economy and Transport
Title of Report	Traffic Regulation Orders – County Hall Car Park Review
Purpose of Report	To consider the objections received in response to the formal consultation on the draft Traffic Regulation Order associated with the County Hall Car Park Review
Contact Officer:	Michael Blaney -Tel. 01424 726142
Local Members:	Councillor O'Keeffe

RECOMMENDATION

The Planning Committee is recommended to:

- 1. Not uphold the objections to the draft Order as set out in this report; and
- 2. Recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made as advertised.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

- 1.1 In September 2016 changes to car parking arrangements at County Hall were implemented as part of a previous review in order to accommodate the proposed movement of staff from Sackville House to County Hall. The changes made at that time were aimed to make the best use of the limited car parking available to staff at County Hall. An extensive staff consultation and feedback process followed and a review of the implemented car parking arrangements was carried out in June 2017.
- 1.2 Feedback from the consultations led to formal proposals being developed. These formal proposals were advertised in the Sussex Express on 6 October 2017. A copy of the draft Traffic Regulation Order (TRO) is included in Appendix 1. Copies of the advertised Notice of proposals were placed on posts in the car parks and a copy of the proposals was also placed on deposit in County Hall reception for viewing by any member of public. The formal period for representations to be made ended on 27 October 2017.

- 1.3 Copies of the formal proposals were sent to relevant District Councillors, County Councillors and statutory consultees including the emergency services. Copies of all supporting correspondence are available in the Members' Room.
- 1.4 The proposals were as follows:
 - Car Share bays were proposed to be changed from 8am-9.30am to 8am-10.00am.
 - Twelve of the car share bays in County Hall West car park were proposed to be changed to general use (pay and display during operational times)
 - Seven of the car share bays in County Hall West car park were proposed to be changed to general use (pay and display during operational times, limited to a three hour maximum stay)
 - The motorcycle parking bays in County Hall West car park were proposed to be changed to general use (pay and display for any user during operational times)
 - Six of the reserved bays in County Hall East car park were proposed to be changed to CMT staff permit holders only
 - Eight of the reserved bays in County Hall East car park were proposed to be changed to general use for County Hall East permit holders only (limited to a three hour maximum stay)

2. Comments and Appraisal

- 2.1 During the formal consultation period, two items of correspondence were received objecting to the proposals. Full copies of the objections have been made available in the Members Room. Plans and photographs showing the areas objected to are included in the Additional Information Pack.
- 2.2 The grounds for the objections are that:
 - there should be more car share bays, not less;
 - the reduction of the car share bays goes against the Council's Local Transport Plan 2011-2026 in relation to sustainable modes of travel, reducing carbon emissions, and discourages the car sharing initiative ESCC promotes;
 - the change of time to 10 am does not benefit users of the car park;
 - the road markings have already been installed on the ground and are misleading; and
 - the car park is also a public car park, can we please provide the details of the public consultation that took place in proposing the amendment to the TRO
- 2.3 Monitoring studies were carried out towards the end of 2016, at the start of 2017, and again more recently during October 2017. These studies showed that the car share bays were not being used to capacity, meaning that some of the bays remained unused until the cut off time (9.30am). This presented a pressure to the spaces in the West Car Park and it was decided by CMT that the car share bays should be reduced in number (from 39 spaces to 20 spaces) to free up parking spaces for those arriving before the car share cut off time. This would have the effect of providing more spaces for those who do not car share and would make the best use of under-utilised spaces. The number of 3-hour bays would be increased from 12 to 19 spaces.

- 2.4 The monitoring in October 2017 has shown that car share bays are now being used to an average of 43.9% capacity before 10am which shows that there are enough car share bays to meet the demand, even after the reduction in their number. This measure helps to alleviate the pressures on the car park.
- 2.5 With regards to the 10.00am cut off time, prior to the car parking arrangements being put in place in September 2016 there was an awareness of some abuse of the car share scheme through people sharing and transferring the car share permits. To reduce this abuse, the car share criteria and registration process were made electronic with drivers and passengers having to register their sessions.
- 2.6 Also, as an unintended consequence of the end time of 9.30am introduced in the 2016 arrangements, single occupancy drivers were parking in the car share bays before the 9.30am start time. Following the review in June the car share times were changed back to their original 10am 'cut off' in order to respond to the issues identified with the 9.30am start time. This seems to have been successful in that no further reports of abuse have been received. It also allows for those with caring responsibilities to be able to park in any unused car share bays a little later at 10.00am.
- 2.7 After the first data capture exercise of car park occupancy, it showed that the trend was a full West car park from 7.30 to 7.45am. On reviewing the data captured during October 2017, it is now possible to find a car parking space in West car park after 9.00am with the occasional spaces free during the day, although it remains largely full from 10am to 4pm.
- 2.8 It is unfortunate that some of the lining works took place before the formal consultation. Rather than further damage the surface of the car park we have taken mitigating actions to ensure the three hour time limit has not been enforced in these areas.
- 2.9 With regard to the public consultation, copies of the public Notice were placed in the East and West car parks and at the footway entrance to the overflow car park during the consultation period. Any user of the car park would have been able to view these notices. In addition the public Notice was advertised in the local newspaper (the Sussex Express) on 6 October 2017. Copies of the proposals were also placed on deposit in County Hall reception for any member of public to view.
- 2.10 It is not considered that the objections provide sufficient grounds to warrant the modification or withdrawal of the proposals, and the proposals provide for the most efficient use of parking space.

3. Conclusion and reasons for recommendation

3.1 The approach in trying to resolve objections to the Order has been to appraise the concerns raised by the objectors, balancing these against the need to maximise the available use of parking space at County Hall. On balance, it is felt that the concerns raised by the objectors should not be upheld and the proposals should proceed as per the advertised TRO.

3.2 It is therefore recommended for the reasons set out in this report, that the Planning Committee does not uphold the objections, and to recommend to the Director of Communities, Economy, and Transport that the draft Order be made as advertised.

RUPERT CLUBB Director of Communities, Economy and Transport

BACKGROUND DOCUMENTS

None

Appendix 1 – Proposed Traffic Regulation Order (TRO)

EAST SUSSEX COUNTY COUNCIL ROAD TRAFFIC REGULATION ACT 1984

The East Sussex County Council (Lewes District) (Off-Street Parking Places) Traffic Regulation Order 2013 (Amendment No.1) Order 201*

East Sussex County Council, in collaboration with Lewes District Council, in exercise of their powers under sections 32, 35, 39(6) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act of 1984"), as amended by the Parking Act 1989 and the Road Traffic Regulation Act 1991, Traffic Management Act 2004 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act of 1984, hereby makes the following Order:

- 1. When this Order comes into effect The East Sussex County Council (Lewes District) (Off- Street Parking Places) Traffic Regulation Order 2013 as amended, shall have effect except as hereinafter contained.
 - (i) Schedule 1 Off-street parking places and operational details

delete the following parking places:-

1	2	3	4	5	6	7	8	9	10	11	12	13
Town or Village	Name	Vehicle Type	Type of Bay	User Type	Days of Use	Times of Use	Days of Charging	Times of Charging	Charging Band	Maximum length of stay (hours)	Minimum length of time between stays (hours)	Drawing ref
			Disabled	Vehicles displaying a valid blue badge	All days	All times	None	None	None	None	None	
	County Hall		Specific user bay	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	All days	All times	None	None	None	None	None	CP6r1
Lewes	Campus East Car Park	Motor		Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	All days	All times	Mon to Fri	8am to 5pm	County Hall Permit Holder	None	None	
	Carraik		All other		Mon to Fri	6pm to 8am	None	None	None	None	None	
				Public	Sat, Sun & Bank Holidays	All times	Sat	8am to 5pm	County Hall Saturday	None	None	
			Bus bay	East Sussex County Council liveried bus	All days	All times	None	None	None	None	None	
				Vehicles displaying a valid blue badge and time clock	All days	All times	None	None	None	3	2	
			3 hour	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	Mon to Fri	8am to 5pm	Mon to Fri	8am to 5pm	County Hall Permit Holder	3	2	
			maximum stay		Mon to Fri	All times	Mon to Fri	8am to 5pm	County Hall Public	3	2	
	County Hall			Public	Sat, Sun & Bank holidays	All times	Sat	8am to 5pm	County Hall Saturday	3	2	CP7
Lewes	Campus West Car Park	Motor	Car Sharer	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign and two persons (driver and passenger) registered as using the bay with their valid 'virtual' permits	Mon to Fri	8am to 9.30am	Mon to Fri	8am to 5pm	County Hall Permit Holder	None	None	
				Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	Mon to Fri	9.30am to 5pm	Mon to Fri	9.30am to 5pm	County Hall Permit Holder	None	None	
				Public	Mon to Fri	9.30am to 8am	Mon to Fri	9.30am to 5pm	County Hall Public	None	None	

		Sat, Sun & Bank holidays	All times	Sat	8am to 5pm	County Hall Saturday	None	None
	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	Mon to Fri	8am to 5pm	Mon to Fri	8am to 5pm	County Hall Permit Holder	None	None
All other	Public	Mon to Fri	All times	Mon to Fri	8am to 5pm	County Hall Public	None	None
		Sat, Sun & Bank holidays	All times	Sat	8am to 5pm	County Hall Saturday	None	None

1	2	3	4	5	6	7	8	9	10	11	12	13
Town or Village	Name	Vehicle Type	Type of Bay	User Type	Days of Use	Times of Use	Days of Charging	Times of Charging	Charging Band	Maximum length of stay (hours)	Minimum length of time between stays (hours)	Drawing ref
			Disabled	Vehicles displaying a valid blue badge	All days	All times	None	None	None	None	None	
Lewes	County Hall Campus East Car Park	Motor	Specific user bay	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	All days	All times	None	None	None	None	None	CP6r1

3 hour maximum stay	the car park as shown on the tariff sign	Mon to Fri	8am to 5pm	Mon to Fri	8am to 5pm	County Hall East Permit Holder	3	2	
All other	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	All days	All times	Mon to Fri	8am to 5pm	County Hall East Permit Holder	None	None	
		Mon to Fri	6pm to 8am	None	None	None	None	None	
	Public	Sat, Sun & Bank Holidays	All times	Sat	8am to 5pm	County Hall Saturday	None	None	
Bus bay	East Sussex County Council liveried bus	All days	All times	None	None	None	None	None	CP7

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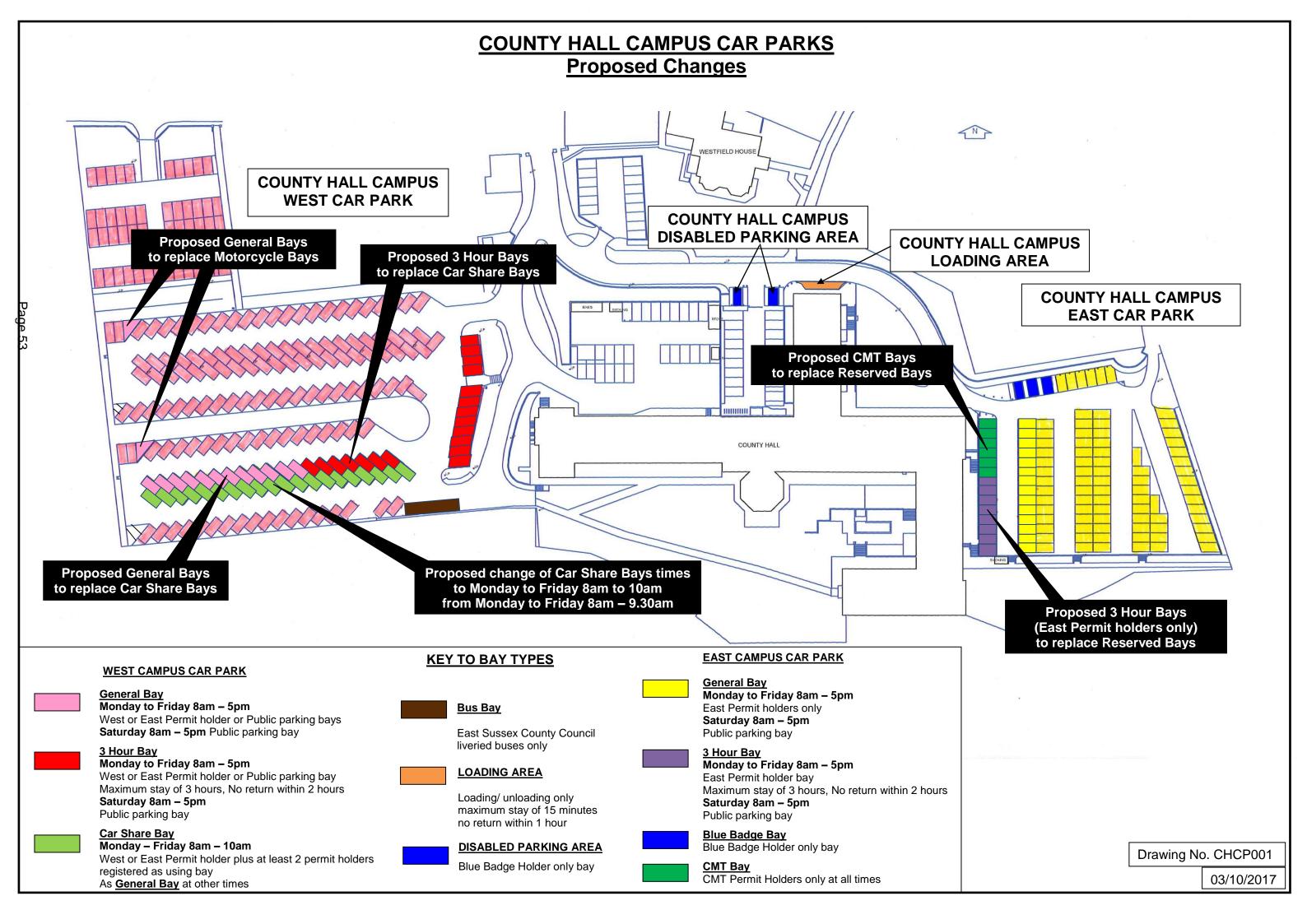
	-		3 hour maximum stay	Vehicles displaying a valid blue badge and time clock	All days	All times	None	None	None	3	2	
Lewes	County Hall Campus West Car Park	Motor		Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	Mon to Fri	8am to 5pm	Mon to Fri	8am to 5pm	County Hall Permit Holder	3	2	
					Mon to Fri	All times	Mon to Fri	8am to 5pm	County Hall Public	3	2	
				Public	Sat, Sun & Bank holidays	All times	Sat	8am to 5pm	County Hall Saturday	3	2	

Car Sharer	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign and two persons (driver and passenger) registered as using the bay with their valid 'virtual' permits	Mon to Fri	8am to 10.00am	Mon to Fri	8am to 5pm	County Hall Permit Holder	None	None
	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	Mon to Fri	10.00am to 5pm	Mon to Fri	10.00am to 5pm	County Hall Permit Holder	None	None

	Date	Mon to Fri	9.30am to 8am	Mon to Fri	9.30am to 5pm	County Hall Public	None	None
	Public	Sat, Sun & Bank holidays	All times	Sat	8am to 5pm	County Hall Saturday	None	None
All other	Vehicles in receipt of a valid 'virtual' permit for the car park as shown on the tariff sign	Mon to Fri	8am to 5pm	Mon to Fri	8am to 5pm	County Hall Permit Holder	None	None
	Public	Mon to Fri	All times	Mon to Fri	8am to 5pm	County Hall Public	None	None
		Sat, Sun & Bank holidays	All times	Sat	8am to 5pm	County Hall Saturday	None	None

2. Citation

This Order may be cited as "The East Sussex County Council (Lewes District) (Off-Street Parking Places) Traffic Regulation Order 2013 (Amendment No.1) Order 201*" and shall come into operation on ******



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