

## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 15 March 2018.

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PRESENT Councillors Claire Dowling (Chair), Barry Taylor (Vice Chair), Godfrey Daniel, Darren Grover and Pat Rodohan

### 46 MINUTES OF THE MEETING HELD ON 14 FEBRUARY 2018

46.1 The Committee RESOLVED to approve as a correct record the minutes of the meeting held on 14 February 2018.

### 47 APOLOGIES FOR ABSENCE

47.1 Apologies for absence were received from Councillor Bowdler.

### 48 DISCLOSURES OF INTERESTS

48.1 Councillor Dowling declared a personal interest in Item 6 as a member of Wealden District Council which had submitted representations on the proposal. She did not consider the interest to be prejudicial.

48.2 Councillor Grover declared a personal interest in Item 5 as a member of Newhaven Town Council which had submitted an objection to the proposal, although he does not sit on the Town Council's Planning Committee. He did not consider the interest to be prejudicial.

48.3 Councillor Taylor declared a prejudicial interest in Item 6 as the owner of a business adjacent to the application site, and agreed to leave the Chamber during consideration of the item.

48.4 Councillor Taylor also declared a personal interest in Item 7 – Site 3, in that he is a Member of the East Sussex Fire Authority and the request for the amendment to the parking restrictions had been requested by the Fire Service. He did not consider the interest to be prejudicial.

### 49 REPORTS

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

### 50 ENVIRONMENTAL IMPACT ASSESSMENT APPLICATION FOR THE INSTALLATION AND OPERATION OF AN ASPHALT PLANT, CONCRETE BATCHING PLANT AND GULLY WASTE PLANT, TOGETHER WITH ANCILLARY DEVELOPMENT AND ACCESS. PLOTS 6 & 7 NORTH QUAY ROAD, NEWHAVEN, BN9 0AB - LW/789/CM(EIA)

50.1 The Committee considered a report by the Head of Planning and Environment.

50.2 Councillor Johnny Denis (Lewes District Council) spoke against the application.

50.3 Mr Andrew Hack, Estate Manager of FM Conway, spoke in support of the application

50.4 Councillor Daniel proposed an additional condition related to the feasibility of bringing one of the site wharves into use.

50.5 Members have considered the officer's report and comments of the public speakers, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report, together with the additional condition suggested by Councillor Daniel.

50.6 RESOLVED by a majority to approve planning permission, together with the additional condition (number 21) subject to the completion of the following procedure:

- (i) The completion of a Legal Agreement to secure a contribution of £15000 towards initiatives in the Newhaven Air Quality Action Plan:
- (ii) To authorise the Head of Planning and Environment to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out Minute 50.8 below.

50.7 If the Legal Agreement has not been completed by 31 August 2018, the application will be referred back to Committee for determination.

50.8 The grant of planning permission shall be subject to the following conditions:

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

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

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

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

3. Construction and subsequent development shall be carried out in accordance with the conclusions and recommendations in Section 8.7 to the 'Report on Preliminary Ground Investigation', Issue 3, dated March 2017 by Applied Geology Limited (ref. AG2519-16AA17).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ST30 in the Lewes District Local Plan 2003.

4. If, during construction, contamination not previously identified is found to be present at the site then no further construction (unless otherwise agreed in writing

with the County Planning Authority) shall be carried out until the applicant has submitted and obtained the written approval of the Head of Planning and Environment for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ST30 in the Lewes District Local Plan 2003. Construction shall be carried out in accordance with the approved remediation strategy thereafter.

5. Piling, or any other foundation designs, using penetrative methods shall not be permitted other than with the written consent of the Head of Planning and Environment, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Construction shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ST30 in the Lewes District Local Plan 2003.

6. Development of each phase of works shall not commence until a Construction Management Plan has been submitted for the written approval of the Head of Planning and Environment. The construction details to be submitted shall include but not be restricted to;
  - a) Phasing, sequencing, duration and hours of works within the individual phases of works.
  - b) Proposals to attenuate noise during each phase of the works,
  - c) Dust suppression measures during each phase of the works
  - d) Measures to manage flood risk, both on and off site
  - e) Construction vehicle routeing and wheel washing facilities

For the duration of construction the Construction Management Plan shall be implemented in accordance with the approved details.

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

7. Prior to commencement of development details of the construction of the recycled aggregate product (RAP) shed and the aggregate storage bays shall be submitted for the written approval of the Head of Planning and Environment. Construction shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

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

8. Prior to the commencement of the construction or erection of any building, structure or means of boundary enclosure hereby approved, details of its external materials and finish including colour shall be submitted for the written approval of the Head of Planning and Environment. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

Reason: To help ensure an appropriate appearance of the development in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. Prior to erection of the acoustic barrier parallel to the riverbank details of its construction shall be submitted for the written approval of the Head of Planning and Environment. Its construction shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

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

10. Construction shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Feb 2017) and the following mitigation measures detailed within the FRA:-

Landscaping or ground works are kept to the limits shown on drawings numbered `CWY51-EW-00-003 P1, Existing Site drainage` and `CWY51-EW-00-004 P2 Proposed Surface Levels` in order to minimise impact on flood levels and flows.

The mitigation measures shall be fully implemented prior to first occupation and subsequently retained in accordance with the timing and phasing arrangements within the scheme or within any other period as agreed in writing by the Head of Planning and Environment.

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

11. Prior to the commencement of the development, a detailed surface water drainage scheme for the site, based on the approved Flood Risk Assessment (FRA, February 2017) shall be submitted to and approved in writing by the Head of Planning and Environment. The approved scheme shall subsequently be implemented in accordance with the approved details and confirmation provided to the Head of Planning and Environment before the development is brought into use. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA and, where possible, shall incorporate sustainable urban drainage measures. Additionally the approved scheme will:

- i. provide details of the surface water design and how it will be implemented to ensure no increase in flood risk from commencement of construction and during any phased approach to building.
- ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime.
- iii. provide details of the body responsible for the implementation of the management and maintenance plan. The scheme shall also demonstrate the use of methods to minimise the use of potable water, and will:
  - incorporate water saving measures and equipment.
  - provide details of water collection facilities to capture excess rainwater;
  - provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and operated in accordance with the approved details.

Reason: To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding in accordance with Policy WMP28 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013

12. Prior to first use of the development hereby approved, a Noise Management Plan for the control and management of noise from the site operations and vehicle movements shall be submitted for the written approval of the Head of Planning and Environment. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

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

13. Prior to first use of the development hereby approved, an Environmental Fleet Management Plan for the control and management of vehicles associated with site operations shall be submitted for the written approval of the Head of Planning and Environment. The Plan shall include, but not be confined to, details of the fleet, maintenance and servicing regime as well as driver training and development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

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

14. Prior to first use of the site lighting and CCTV, details of the column heights, lighting units and calculated light contours shall be submitted for the written approval of the Head of Planning and Environment. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Head of Planning and Environment.

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

15. The rating noise levels from the site shall not exceed those predicted at locations shown in WBM Technical Note (Ref. 4611, dated 28 February 2018), Appendix A, Table titled 'Night-time (with additional mitigation measures for top of asphalt plant and stack)' at any time.

Reason: To safeguard the amenities of the occupiers of residential properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3 of the Lewes Local Plan 2003.

16. Within two months of the asphalt plant becoming operational, a noise survey ("Survey") shall be undertaken in accordance with BS 4142: 2014 (Methods for rating and assessing industrial and commercial sound) and within one month the results reported (the "Report") in writing to the Head of Planning and Environment. The Report shall:
  - a) demonstrate whether the noise levels required by condition 15 are being achieved;
  - b) if the Survey does not demonstrate such compliance the Report must include measures to reduce noise such that the levels stipulated by condition 15 will be met;
  - c) Such measures as are agreed shall be carried out within a time period to be approved by the Head of Planning and Environment and compliance demonstrated by further Survey, which must be reported to the Head of Planning and Environment within a further two months of the measures being implemented.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3 of the Lewes Local Plan 2003.

17. Transfer of aggregate via North Quay Road between berth 5 and the application site shall not take place at any time other than between 0700 and 1900 hours Monday (excluding Bank and Public Holidays) to Friday and between 0700 and 1300 on Saturday unless otherwise agreed in writing by the Head of Planning and Environment.

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

18. HGVs shall not use the site routes between the covered storage bays and the site boundaries at any time other than between 0700 and 1900 hours on Monday to Friday (excluding Bank and Public Holidays) and between 0730 and 1300 on Saturdays unless otherwise agreed in writing by the Head of Planning and Environment.

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

19. Concrete production and distribution shall not take place at any time other than between 0700 and 1900 on Monday to Friday (excluding Bank and Public Holidays) and between 0730 and 1300 hours on Saturday unless otherwise agreed in writing by the Head of Planning and Environment.

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

20. Gully waste shall not be removed from plant at any time other than between 0700 and 1900 hours on Monday to Friday (excluding Bank and Public Holidays) and between 0730 and 1300 hours on Saturday unless otherwise agreed in writing by the Head of Planning and Environment.

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

21. Before the asphalt plant is brought into operation a copy of a report investigating the feasibility of bringing a wharf back into use shall be provided for information to the Head of Planning and Environment.

Reason: In the interests of Policy WMP15 in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

#### Informative

1. Consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. The applicant's attention is drawn to 'Improving the Flood Performance of New Buildings', issued in May 2017 by the Department for Communities and Local Government (ISBN 9781859462874)

#### Schedule of Approved Plans

EW-00-002 P3 - Existing Site Layout, GA-00-001 P12 - Proposed Site Layout, GA-00-005 P3 - Asphalt Plant, GA-00-006 P3 - Concrete Batching Plant, GA-00-008 P2 - Gully Waste Plant, GA-00-009 P2 - Office Buildings, EW-00-001 Rev P4 - Location Plan, Dust and Odour Emissions Management Plan (Second Issue), February 2018, Air Quality Assessment (Third Issue), February 2018, Technical Note, WBM Ref:4611

51 THE EXPANSION OF AN EXISTING WASTE MANAGEMENT USE OVER ADJACENT LAND TO PROVIDE FOR A FULLY ENCLOSED MATERIALS RECOVERY FACILITY, POLEGATE YARD, SUMMERHILL LANE, HAILSHAM - WD/796/CM

51.1 Councillor Taylor left the Chamber during consideration of this item.

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

51.3 Mrs Heather Rajaratnam, local resident, and Mr Matthew Weston, of Southdowns Environmental Consultants, spoke against the application.

51.4 Ms Lisa Kemp of Haulaway, the applicant, spoke in support of the application

51.5 A further condition in respect of noise and residential amenity was discussed.

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

51.7 RESOLVED unanimously to approve planning permission, together with the additional condition (number 21), subject to the completion of the following procedure:-

- (i) The completion of a Legal Agreement to require: (1) details for the works to the public highway on Summerhill Lane/A22 junction; (2) the extension of the vehicle passing bay on the access track and the widening of the track; and (3) details for the continuation of the routeing of vehicles travelling to and from the site via the A22 and Summerhill Lane;
- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in minute 51.9 below.

51.8 If the Legal Agreement has not been completed by 15 November 2018, the application will be referred back to Committee for determination.

51.9 The grant of planning permission shall be subject to the following conditions:

#### Time Limit

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.

#### General Operations

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. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and



re-enacting that Order with or without modification) no plant, building or machinery, whether fixed or moveable, shall be erected other than as expressly authorised by this permission unless with the prior written approval of the Director of Communities, Economy and Transport.

Reason: To enable the Waste Planning Authority to control the development in the interests of the amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN27 and EN8 of the Wealden Local Plan 1998.

4. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport the total amount of waste imported to the site shall not exceed 40,000 tonnes per annum, as specified in paragraph 3.11 of the Planning Supporting Statement Document, Reference WIE 11671-100-R-1.2.2-PlanStmt, dated August 2017.

Reason: To enable the County Planning Authority to control the development in the interests of the amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

5. Details of the tonnage imported to the site shall be recorded and within 2 weeks of the receipt of a request from the Head of Planning and Environment, details of the amount, source and type of waste imported to the site for the requested period shall be provided in writing.

Reason: To assist the County Council as the Waste Planning Authority in the monitoring of waste movements.

6. Unless otherwise agreed in writing by the Director of Communities, Economy and Transport, the site shall only be used for the importation, sorting, packing, storing and distribution of waste materials, including dry mixed recyclable waste. All waste handled at the site shall be in accordance with paragraphs 3.9 to 3.11, inclusive, of the Waterman Planning Supporting Statement dated August 2017 (reference WIE11671-100-R-1.2.2-PlanStmt). There shall be no crushing, grading, screening or processing of any other waste materials at the site.

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

7. All sorting of waste materials shall take place wholly within the buildings on the site. No loading, unloading, storage or processing of waste shall take place outside the buildings whatsoever.

Reason: For the avoidance of doubt and in the interests of protecting amenity of nearby residential properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. No skips or containers shall be stored outside the building to a height which exceeds 3 metres.

Reason: In the interests of amenity of the locality and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

### Construction Programme

9. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted and approved by the Director of Communities, Economy and Transport. In addition to the details identified in Paragraph 5.1.3 of the Waterman Ecological Impact Assessment (Reference WIE11671-102-R-1-1-7-EclA) dated August 2017, the CEMP shall include:

- (i) Wheel washing facilities;
- (ii) Working hours and site lighting during construction;
- (iii) Measures to minimise impacts to air quality;
- (iv) How complaints will be dealt with; and
- (v) A travel plan;

The CEMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing, and maintained for the duration of construction works.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and to protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

10. Unless otherwise agreed in writing, the MRF building and link building hereby approved shall be finished in Moorland Green, RAL 100 60 20 to match the existing buildings as specified in the Waterman Landscape and Visual Appraisal report, reference WIE11671-102-R-2.1.8-LVIA, dated August 2017.

Reason: To ensure an appropriate appearance of the new link and MRF building, in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. The MRF building and link building hereby approved shall be constructed as outlined in Section 3.2 (pages 4 to 6) of the Waterman Noise Impact Assessment, dated August 2017, document reference WIE11671-101-R-1.1.4-NIA.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

12. Prior to the installation of any photovoltaic panels at the site, details of the design and extent of the panels shall be submitted to the Director of Communities, Economy and Transport for approval. The approved details shall be implemented in full.

Reason: To ensure the appropriate appearance of the development in the locality, in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

#### Hours of Operations

13. No audible works shall take place except between the hours of 08.00 and 17.00 Mondays to Fridays inclusive and between the hours of 08.00 and 13.00 on Saturdays and no such works shall take place on Sundays, Bank and Public Holidays.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

14. Subject to Condition 13 no activities associated with the development hereby approved shall take place except between the hours of 07.30 and 17.00 on Mondays to Fridays inclusive and 07.30 and 13.00 on Saturdays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Subject to the provisions of Condition 15, there shall be no activities on Sundays, Bank and Public Holidays.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

15. Notwithstanding conditions 13 and 14, and excluding Christmas Day and Boxing Day, on Bank and Public Holidays only local authority collected dry mixed recyclable waste shall be imported to the site, unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Such activity shall only take place between the hours of 07.30 and 17.00. There shall be no processing of waste on these days.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Highways

16. No more than 66 heavy goods vehicle movements (i.e. 33 in and 33 out) shall take place to and from the site per day without the prior written agreement of the Director of Communities, Economy and Transport.

Reason: In the interests of safeguarding the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

17. The development hereby approved shall not be occupied until the car parking, including a space for drivers with disabilities, has been marked out and made available based on 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.

18. The visibility splay to the east of the access road junction with Summerhill Lane shall be kept clear of all obstructions within the verge exceeding 600mm in height at all times.

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

#### Rights of Way

19. Unless otherwise agreed in writing, within 1 month of the date of this planning permission being granted the details of a replacement for the stile, including any proposals to reuse the existing stile where its deemed to be in serviceable condition, on public footpath Polegate 9a shall be submitted to and approved by the Director of Communities, Economy and Transport. The approved works shall thereafter be implemented in full within one month of the completion of the planting of the hedgerow.

Reason: To ensure appropriate access to the public right of way.

#### Noise

20. Noise emitted from the site shall not result in a noise level exceeding 46 dB LAeq 1hr (freefield) when measured at the application site boundary with the Amazon Wood Fishery.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

21. The operational noise rating measured at Coppards shall not exceed the background noise level, as measured in accordance with BS 4142:2014.

Reason: To safeguard the amenity of residents and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

22. The development hereby permitted shall not be brought into use until the measures for the minimisation of noise at source and of 'break-out' noise have been fully implemented in accordance with the details submitted in paragraph 4.3 of the Waterman Noise Impact Assessment, dated August 2017 (Reference WIE11671-101-R-1.1.4-NIA. These measures shall be maintained thereafter throughout the duration of the development, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

23. Prior to the first use of the development hereby permitted, a Noise Management Plan to control noise associated with the facility shall be submitted for approval by the Director of Communities, Economy and Transport. The approved Noise Management Plan shall thereafter be fully implemented and maintained throughout the use of the development.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

24. On completion of the building and within 3 months of the first use of the development hereby permitted, a noise monitoring report shall be submitted to the Director of Communities, Economy and Transport for approval. The report should demonstrate that the development complies with the noise restriction of Condition 20. If the development does not comply, the report should propose further measures for noise mitigation and a timetable of implementation to reduce noise to meet the restriction of Condition 20. The mitigation measures shall be fully implemented in accordance with the approved timetable.

Reason: To safeguard the amenity of users of the Amazon Wood Fishery and persons within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden District Council Local Plan 1998.

25. Any machinery on site fitted with a reversing alarm shall only use a non-intrusive 'white noise' reversing alarm, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To reduce the potential for noise nuisance from the site and to protect amenity, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Dust

26. The management of dust from site operations and vehicle movements shall be undertaken in accordance with the details set out in sections (4.6) and (4.11) of the Planning Supporting Statement, reference WIE11671-100-R-1.2.2-PlanStmnt, dated August 2017.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Lighting

27. The existing and proposed lighting shall not create light spillage beyond the site boundary. No additional artificial external lighting shall be installed or used at the site other than in accordance with details first submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To protect amenity in the locality and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

#### Contamination and Pollution Control

28. If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Director of Communities, Economy and Transport for a remediation strategy detailing how the contamination shall be dealt with. The approved remediation strategy shall thereafter be implemented in full.

Reason: To ensure that risks from land contamination are minimised and to protect groundwater in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

#### Drainage

29. Prior to construction of the development hereby permitted, ground investigations shall be undertaken to establish the depth to groundwater at the development site. The results from the investigations shall be used to confirm the design of the proposed attenuation basin.

Reason: To protect the quality and quantity of groundwater resources in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

30. Prior to construction of the proposed development, a detailed design for the drainage system informed by the principles of surface water management outlined in Waterman Flood Risk Assessment (August 2017) document reference WIE11671-103-R-1.2.3-FRA, shall be submitted to and approved by the Director of Communities, Economy and Transport. The details shall be supported by evidence in the form of hydraulic calculations taking into account the connectivity of the different surface water drainage features and shall include detailed drainage drawings. The development shall thereafter be implemented in accordance with the approved details prior to the use of the development hereby permitted, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To ensure surface water runoff is managed appropriately in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

31. Prior to the use of the development hereby permitted, a maintenance and management plan for the entire drainage system associated with the development

hereby permitted, shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Plan shall include details of responsible persons for the management of all aspects of the surface water drainage system, including piped drains. The plan shall thereafter be implemented in full throughout the lifetime of the development.

Reason: To ensure the drainage system is managed appropriately in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

#### Landscaping and Retention of Trees

32. The development hereby permitted shall be landscaped in accordance with the Waterman Landscape Management Plan, dated August 2017 (reference WIE11671-102-R-5.1.6-LMP) and the following further details:
- (i) the replacement hedgerow species mix shall include standard oak;
  - (ii) honeysuckle shall replace the proposed blackberry in both the native tree and shrub planting to the north west of the new MRF building, and in the native understorey planting to the north of the site.

Prior to the development hereby permitted being brought into use a revised Landscape Proposals Plan incorporating these details shall be submitted to and approved by the Director of Communities, Economy and Transport.

The planting shall be undertaken during the first available planting season following the approval of the Landscape Proposals Plan. The programme for implementation and maintenance, including the management and maintenance of existing woodland at the site in the control of the operator, including the mature trees along the access track shall be undertaken in accordance with the Waterman Landscape Management Plan, dated August 2017 (reference WIE11671-102-R-5.1.6-LMP).

Reason: To integrate the development effectively into the surrounding environment, and to ensure the surrounding woodland is protected so that it can continue to provide appropriate visual screening to the development and ensure the appearance of the surrounding area is protected in accordance with Policies WMP23a, WMP23b and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policies EN8 and EN12 of the Wealden Local Plan 1998.

33. In this condition `retained trees` means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the completion of the development hereby permitted.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Director of Communities, Economy and Transport. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 Tree Works.
  - (b) If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as

may be specified in writing by the Director of Communities, Economy and Transport.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and to BS 5837: 2012 Trees in Relation to Design, Demolition and Construction before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor any fires lit, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Director of Communities, Economy and Transport.

Reason: In the interests of visual amenity and in accordance with Saved Policy EN27 of the Wealden Local Plan 1998.

### Ecology

34. During the course of the development hereby permitted, detailed ecological mitigation measures shall be undertaken as set out Waterman Ecological Impact Assessment (Reference WIE11671-102-R-1-1-7-EcIA) dated August 2017.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and to protect the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

### INFORMATIVES

1. The applicant is advised that he should liaise with the Environment Agency regarding his responsibilities under the Environment Permitting Regulations.
2. The Applicant's attention is drawn to the provisions of:-

The Wildlife and Countryside Act 1981  
(Protection of certain wild animals in particular nesting birds and bats.)

3. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally February to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, clearance must stop until the fledglings have left. If protected species are encountered during clearance or construction, work should stop and advice should be sought from an ecologist on how to proceed.
4. The applicant is advised that should public footpath Polegate 9a need to be closed or temporarily diverted during the works to Summerhill Lane, it will be necessary to contact the County Council's Rights of Way Team at least 10 weeks in advance of



any works commencing. The applicant should contact the Rights of Way Team at: [rightsofway@eastsussex.gov.uk](mailto:rightsofway@eastsussex.gov.uk).

#### NOTE TO MEMBERS

5. Subject to further discussions between the applicant and the County Archaeologist, it may be necessary to include a condition(s) relating to archaeological investigations taking place.

#### Schedule of Approved Plans

Planning Supporting Statement and Appendices A-M, Appendix A - 001/A06 - Location Plan, Appendix A - 0003/A01 - Planning Application Boundary and other Land in Applicants Ownership, Appendix B - 0650/A01 - Section Plan, Appendix B - 0651/A01 - Sections Sheet 1, Appendix B -0652/A01 - Sections Sheet 2, Appendix C - 10112 Proposed Building Elevations, Appendix D - 0001/A02 - Vehicle Tracking On-site artic Movements, Appendix B - Carriageway Widening & Adjustments to Hedges WIE-SA-90-0110-A01, Appendix B - 02 Proposed General Arrangement WIE-11671-SA-90-0100-A02, Appendix B - 04 Proposed Contours WIE-11671-SA-90-0610-A02, Appendix B - 05 Cut and Fill (Existing to Proposed Ground Surface) WIE-11671-SA-90-0620-A02

- 5.10 Councillor Taylor returned to the Chamber for the remainder of the meeting.

#### 52 TRO - EASTBOURNE PARKING REVIEW

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

52.2 The following members of the public spoke on the following sites:

Site 3	Mr John Threlfall
Site 7	Mr David Williamson
Site 8	Councillor Jonathan Dow (Eastbourne Borough Council)

52.3 The following Local Members and members of the Planning Committee spoke on the following sites:

Sites 2, 5 and 8	Councillor Rodohan
Site 3	Councillor Taylor

52.4 Members have considered the officer's report, together with the comments of the public speakers and Local Members, and agree with the conclusions and reasons for recommendation as set out in paragraph 2 of the report.

52.5 RESOLVED to (1) uphold the objections to the draft Order as set out in Appendix 1 to this report;

(2) not uphold the objections to the draft Order as set out in Appendix 2 of this report; and

(3) recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made in part.

The meeting ended at 12.55 pm.