



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 11.30 am WEDNESDAY, 18 APRIL 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

A G E N D A

- 1 Minutes of the meeting held on 15 March 2018 (*Pages 3 - 20*)
- 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

- 5 Demolition of an accommodation block and erection of new Sports hall and single storey ancillary accommodation, new student entrance lobbies, first floor corridor with other internal alterations and site landscaping. Revised car parking layout to include an additional 28 spaces and parking for 72 cycles. Willingdon Community School, Broad Road, Eastbourne, BN20 9QX - WD/3385/CC (*Pages 21 - 34*)
Report by the Director of Communities, Economy and Transport
- 6 Development Management Quarterly report (*Pages 35 - 56*)
Report by the Director of Communities, Economy and Transport
- 7 Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive

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*

County Hall, St Anne's Crescent
LEWES BN7 1UE

10 April 2018

Contact Simon Bailey, Democratic Services Officer,
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PLANNING COMMITTEE

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

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-EcIA) 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-PlanStmt, 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.

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.

Committee: **Regulatory
Planning Committee**

Date: **18 April 2018**

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

Proposal: **Demolition of an accommodation block and erection of new Sports Hall and single storey ancillary accommodation, new student entrance lobbies, first floor corridor with other internal alterations and site landscaping. Revised car parking layout to include an additional 28 spaces and parking for 72 cycles.**

Site Address: **Willingdon Community School, Broad Road, Willingdon, BN20 9QX**

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

Application No. **WD/3385/CC**

Key Issues: **1. Need
2. Siting, design and impact on residential amenity
3. Impact on Traffic (including the Ashdown Forest)**

Contact Officer: **David Vickers, Tel No: 01273 481629**

Local Member: **Councillor Stephen Shing**

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 Willingdon Community School is on the north-western outskirts of Eastbourne off the A22 Eastbourne Road and lies near to the South Downs within the Polegate and Willingdon development boundary.

1.2 The School occupies a relatively level L-shaped site covering almost 6 hectares. The main School buildings and areas of hardstanding are concentrated in the south-eastern corner of the site, with extensive playing fields to the north-west and south-west. The School buildings comprise

rectangular blocks, the majority of which are two storeys in height. A large hard surfaced area lies to the rear of the main School buildings and provides dual use informal play space and four external games courts. A number of temporary mobile classrooms sit immediately to the north of the games courts on the perimeter of the playing fields. The proposed development would be on the western edge of the games courts and extend north towards the School playing field.

1.3 The School is accessed from Broad Road to the south and benefits from separate vehicular and pedestrian entrance points. There are two car parks on site; at the School entrance and to the east of the main School building. The School is surrounded by housing including on Broad Road to the south, Farmlands Avenue to the east, Millstream Gardens to the north, Glen Close to the west and Wannock Lane to the south-west. As such, the majority of the School playing fields share a boundary with the gardens of residential properties. The site is landscaped around the main entrance and benefits from dense boundary vegetation to the front of the School site and a high hedge along Broad Road.

2. The Proposal

2.1 The proposal is mainly for the construction of a new sports hall which would be comparable to the height of the adjacent two storey buildings with single storey wrap around ancillary accommodation on its southern elevation. This would improve sports facilities at the School and at the same time allow another Form of Entry increasing the numbers on roll by 200 to a maximum of 1200 over a period of 5 years. Another 7 (full time equivalent) staff are anticipated making a total of 69 teaching and 45 non-teaching staff.

2.2 The proposed building will be predominantly clad in vertical timber boarding and will comprise a sports hall providing a multi-use games court, changing rooms, toilets, disabled and staff changing facilities, additional classroom space, plant room and stores. The hall itself will measure approximately 33 metres x 18 metres x 7.5 metres clear internal height and will require demolition of the RoSLA (Raising of the School Leaving Age) building. The proposed sports hall layout allows separate access from the main School building in order to continue to offer community use of the School's buildings 'out of hours'. During these times the School is currently used mainly for adult education and is generally available until 10 pm Monday – Saturday but is closed on Sunday. A covered walkway is also proposed to link the sports hall with the existing School and direct access will also be provided between the sports hall and the outside games courts.

2.3 The proposal also includes additional cycle and car parking on the site, including an extension to the car parking to east of the site and the formation of a new car parking area off Broad Road to the front of the site. The two areas would provide an additional 28 parking spaces with the total rising to 64 on the site. Both car parks will be lit by a combination of bollard lights and columns, 4 metres high. An additional covered area for the storage of cycles is also proposed off Broad Road initially providing capacity for 72 cycles. The

works will also include the hard surfacing of the grass verge adjacent to the Bus Stop on Broad Road to improve the waiting area for pupils and allow the buses to use the entire length of the stop without having to wait alongside grass verges.

2.4 Other works are also proposed as follows. Firstly, to extend two entrance lobbies on the north side of the School adjacent to the games court to accommodate the increased movement of pupils in this area. Secondly, a new first floor corridor is proposed adjacent to the gym to improve circulation. The gym will be refurbished to provide additional teaching space. The Raising of the School Leaving Age (RoSLA) building will be demolished so in total 1214 m² gross floorspace (737 m² net) is proposed.

3. Site History

3.1 Willingdon Community School has been subject to a number of planning applications dating back to 1956 when the building was first constructed as a 2 Form of Entry Secondary School. The most recent permissions on the site relate to the installation of a temporary single mobile classroom to extend the existing temporary double mobile classroom to the north-east of the School playground (Ref: WD/3313/CC) and a retrospective planning permission for the retention of four existing mobile classrooms to the north of the playground (Ref: WD/3311/CC).

3.2 Whilst there are no permissions of direct relevance to this proposal the School has been significantly extended since its construction including, in 1975, the construction of the RoSLA building, which is proposed to be removed as part of this application. In addition in 1993 planning permission was granted (Ref: WD/1427/CC) for the construction of a two storey extension to the main School building to provide 8 additional classrooms and an extension to the car park and hard play area. In 2010 planning permission was granted (Ref: WD/2884/CC) for the provision of a new timber clad stand alone two storey classroom block to the rear of the main School building providing four classrooms, staircase and platform lift.

4. Consultations and Representations

4.1 Wealden District Council: Raise no objection in principle to the development, however it is noted that the proposal is not directly connected with or necessary to the management of the Ashdown Forest Special Protection Area (SPA) and therefore it is necessary to determine if the proposal has a likely significant effect on the Ashdown Forest SPA. East Sussex County Council should, as the competent authority, satisfy themselves that the proposal would not have a likely significant effect upon the Ashdown Forest SPA and Ashdown Forest Special Area of Conservation (SAC).

4.2 Willingdon and Jevington Parish Council: Raise concern with regard to the long standing issues at the School site, which do not appear to have been addressed by this proposal. It is noted that parking at all times of the day and

especially at School arrival and departure times, affects the residents as well as access by emergency vehicles and public transport along Broad Road. This proposal provides an opportunity to alleviate the issues for neighbours by providing more parking spaces than proposed, a drop off/pick up lay-by and consideration of safer walking routes including a drop kerb at the corner of Tott Yew Road. It is also considered that increased traffic movements during the day will add to the poor air quality.

4.3 Sport England: Raise no objection and note that the proposal is for a four-court sports hall, and does not negatively impact the playing field or its pitches. This proposal is considered to meet Policy exception E5 whereby the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field. It is also recommended, that if the Local Planning Authority wish to do so, a condition is placed on any grant of planning permission requiring a community use agreement.

4.4 Highway Authority: Do not wish to raise objection subject to the provision of conditions to secure the proposed additional on site parking provision and an update to the School Travel Plan.

4.5 Flood Risk Management: The proposals for managing surface water runoff are acceptable in principle. Any permission should include conditions to ensure runoff is managed safely.

4.6 Sussex Police (Designing Out Crime Officer): Raises no objection to the proposal and note that the controlled access to this new build would be advantageous given it would be used externally of the School's normal hours.

4.7 Environment Agency: No observations received.

4.8 Local Representations: Four objections have been received from local residents. The main concerns relate to an increase in parking and traffic pressures in the vicinity of the School. It is noted that staff and parent park alongside the School's playing fields in Broad Road. There are no passing places so the free movement of traffic is obstructed by parked cars and creates difficulties for buses and emergency vehicles. This is exacerbated by parents dropping of and collecting children from nearby Willingdon Primary School. In addition concerns are raised with regard to an increase in noise and disturbance from the extra traffic that would be generated by the proposal particularly at the junction of Broad Road, Farmlands Avenue and Coppice Avenue.

Other objections raise concerns with regard to the suitability of the proposed extension in terms of size and appearance, which is considered to be out of character in the area. It is suggested that it is too large and unsightly to look at and would result in overshadowing, overlooking and loss of privacy. In addition, concerns are raised with regard to the potential for extra noise levels from the site especially from an increase in weekend and evening use of the

grounds. It is considered that the existing boundary treatment of the School is not substantial enough to help reduce the noise levels.

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

5.1 Wealden District (incorporating part of the South Downs National Park), Core Strategy – Adopted February 2013 (as amended following the Court of Appeal judgement): WCS12 (Biodiversity)

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted on 19 February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. The Core Strategy Local Plan only replaces parts of the Wealden Local Plan 1998. Some policies from this earlier plan are still “saved” where they remain of relevance and until they are superseded by further Development Plan documents.

5.2 Wealden Local Plan 1998: Saved Policies EN27 (layout and design of development), EN28 (Design of Development for People with Disabilities), TR3 (Traffic impact of New Development)

Saved development management policies contained in the Wealden Local Plan remain part of the Development Plan for the area. Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the NPPF. However the County Planning Authority has assessed the Saved Policies as being in general conformity with the overarching principles of the NPPF.

5.3 The National Planning Policy Framework, 2012 (NPPF)

The NPPF does not change the status of the Development Plan as the starting point for decision making. At the heart of the NPPF is a presumption in favour of sustainable development. 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 policy statement states that the planning system, when dealing with planning applications for state-funded schools should operate positively and there should be a presumption in favour of the development of state-funded schools. The policy statement encourages a collaborative approach to applications, in particular encouraging pre-application discussions and the use of planning obligations to help mitigate the adverse impact of developments. The policy statement 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. Main Considerations

Need

6.1 The County Council's educational strategy set out in its 'Education Commissioning Plan 2017 – 2021' expects demand for secondary school places within the wider Eastbourne area to exceed the overall Published Admission Numbers (PAN) from the early 2020s. The applicant attributes the increase to recently completed and planned housing developments, coupled with a growing number of primary places within the feeder primary Schools serving Willingdon Community School. As a result, it is predicted that future Year 7 intakes to Willingdon School will be significantly above the current PAN of 200 and total of 1000 pupils. As such, this proposal seeks to increase the PAN between academic years 2020 and 2024 with an additional 40 places per year, ultimately to a total of 1200 pupils on roll.

6.2 The NPPF requires Local Planning Authorities to give great weight to the need to create, expand or alter schools. This is echoed in the Government's 2011 Policy Statement on Planning for Schools Development which also advises that the planning system should operate positively when dealing with planning applications for state funded Schools. The applicant has indicated that there is likely to be a shortfall of secondary School places within the Eastbourne area in 2020, given the numbers of pupils entering local feeder primary Schools together with planned housing development within the area. This will gradually increase demand at Willingdon Community School which is already regularly oversubscribed. It is therefore considered there is demonstrable need to address this increase and to expand and enhance teaching provision at the School in accordance with the provisions of the NPPF.

Siting, design and impact on residential amenity

6.3 Saved Policy EN27 of the Wealden Local Plan requires development be of a suitable scale, form and design in relation to the surrounding environment; to respect the character of adjoining development and to create no unacceptable impact on the privacy and amenity of adjoining developments by reason of scale, height, form or noise. In addition Saved Policy EN28 requires proposals for development on land used for education purposes to provide safe and convenient access for people with limited mobility, where it is reasonable and practicable.

6.4 The main element of the proposals is the sports hall and the ancillary accommodation to its west and south elevations. Although a large structure in its own right this is a correspondingly large site and the sports hall is comparable in scale with other buildings on the site. Quite rightly it has a flat roof in order to minimise its bulk but this is hidden behind a parapet which will also mask the solar pv panels, sunpipes and ventilation stacks. The ancillary accommodation around the sports hall is to be constructed to allow for an additional floor above to help 'futureproof' the site against uncertainties with

housing numbers in Wealden District (although any proposals of this nature would need planning permission under current legislation).

6.5 The form of the sports hall follows its function. It is essentially a windowless box but the predominantly timber clad elevations are considered appropriate in the edge of urban area location with reciprocal views to and from the South Downs to the west. The use of colour to waymark approaches to the building is welcomed and complements, rather than competes with, the timber cladding forming an attractive composition.

6.6 The layout of the proposal makes provision for users with restricted mobility. There will be disabled facilities in each changing room together with wide circulation spaces and doors. The opportunity is also being taken to improve accessibility around those parts of the School which are to be refurbished, for example by adjusting local levels to minimise or eliminate thresholds.

6.7 The scale of the proposal will not result in loss of light or overshadowing to neighbouring properties. The nearest is at 12 Glen Close to the west and the distance between its boundary and the proposal is approximately 55 metres. This is considered sufficient to avoid harm to their amenity from overshadowing, loss of privacy, an overbearing nature or noise disturbance. The greater proportion of any additional noise arising from the proposal will be contained within the sports hall.

6.8 The proposal is therefore in accordance with Saved Policies EN27 and EN28 in the Wealden Local Plan

Impact on Traffic (including the Ashdown Forest)

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

6.10 A minor alteration to the grounds maintenance access from Broad Road is proposed to allow for more frequent use that will occur with the new car parking area. In addition part of the grass verge on Broad Road will be hard surfaced. Currently the verges are worn by children waiting to board school buses. The hard surfacing will also allow buses more freedom to park within the designated bus markings on Broad Road.

6.11 An additional 24 car parking spaces are proposed which is well in excess of the 7 required to mitigate the additional demands of the proposal itself. This will go a long way to reducing the historical parking shortfall that has evolved on the site, the resulting overspill in Broad Road having been highlighted in local representations as well as those of the Parish Council.

6.12 A School Travel Survey carried out in October last year found that 42% of children walk to school, 32% come by school bus and 23% by car (including sharing and linked trips). This is considered quite a good base to

build from with a relatively low proportion of children being transported by car. Nevertheless the surrounding area is quite level and the roads generally quiet. As 77% of the School's children live in Polegate, Wannock and Willingdon there would appear to be some scope to raise the proportion of trips made by cycle from the current 2.4%. With this in mind an area in front of the school has been identified for cycle parking and this together with other measures to encourage sustainable travel and considerate parking will be developed through an updated Travel Plan to be secured through condition. This should help alleviate some of the congestion currently experienced in Broad Road at the beginning and end of the school day although it should be emphasised that any issues are highly localised and acute being experienced over a short period of time. Additionally the afternoon peak, as with any school, does not coincide with general 'rush hour'.

6.13 While congestion and inconsiderate parking are clearly issues for those local representations received they are not considered to amount to either the 'severe' test set out in paragraph 32 of the NPPF or the "clear and cogent" evidence set out in the Government's Policy Statement. The proposal is therefore considered to satisfy the aims of Saved Policies TR3 and ENV27 in the Wealden Local Plan.

6.14 The representation made by Wealden District Council raise no objection in principle but advise that the County Council needs to be satisfied that the proposal would not have a likely significant effect upon the Ashdown Forest SPA and SAC. These designated areas are sensitive to impacts associated with recreational pressure, within the SPA, and nitrogen deposition arising from vehicular traffic, within the SAC.

6.15 Given the location of the application site and the nature of proposed development, there is not considered to be any likely increase in recreational pressure on the Ashdown Forest, should planning permission be granted and the scheme implemented. With regards to increases in vehicular traffic across the Ashdown Forest the movement of children and carers attending the School currently and in the future is confined to Willingdon and its immediate vicinity including smaller villages to the north served by school buses. Any impacts of increased vehicular traffic will be localised and would not increase numbers of vehicle trips on routes through the Ashdown Forest. Nitrogen levels in Ashdown Forest would therefore not be materially affected by the proposal both by itself and in combination with other plans and projects, the need for any further assessment can be screened out and Core 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 considered to be acceptable in its impacts on the visual and neighbouring amenities of the area as well as the local highway network. It will not increase vehicular trips across the Ashdown Forest and therefore complies with Policy WCS12 (Biodiversity) in the Wealden District Core Strategy 2013 and with Saved Policies EN27 (layout and design of development), EN28 (Design of Development for People with Disabilities) and TR3 (Traffic impact of New Development) in the Wealden Local Plan 1998.

7.3 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered 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. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers (and other animals) from being trapped in open excavation and/or pip culverts are submitted to and approved in writing by the Director of Communities, Economy and Transport. The measures should include:
 - a. creation of sloping escape ramps for badgers, achieved by edge profiling or trenches/excavations or by using planks placed into them at the end of each working day; and
 - b. open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: to ensure badgers are not trapped and harmed on site and to prevent delays in site operation.

4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan, has been submitted to and approved in writing by the Director of Communities, Economy and Transport. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The plan shall provide details as appropriate but not be restricted to the following matters;
 - the anticipated number, frequency and routing of vehicles during construction
 - the method of access and egress and routing of vehicles during construction,
 - the management of flood risk
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interest of highway safety and amenity of the area.

5. Prior to the commencement of the development hereby permitted, including any demolition, a condition survey of the surrounding highway network is required to be undertaken and submitted and approved in writing by the Director of Communities, Economy and Transport. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interest of Highway safety and amenity of the area.

6. Prior to commencement of development a detailed surface water management design shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The design shall include hydraulic calculations which take account of connectivity with different surface water drainage features together with details of maintenance and management. Before the development is occupied the approved drainage system shall be made available for use and written confirmation provided to the Director of Communities, Economy and Transport.

Reason: To ensure appropriate management of surface water in accordance with Saved Policy EN27 in the Wealden Local Plan 1998.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Design Strategy and

Landscape Management Plan (Lizard Landscape and Ecology, December 2017).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.

8. No part of the development hereby approved shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in accordance with Saved Policy TR3 in the Wealden Local Plan 2003.

9. No part of the development hereby approved shall be occupied until the bicycle parking has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of bicycles.

Reason: To provide bicycle parking for the development in accordance with Saved Policy TR3 in the Wealden Local Plan 2003.

10. No part of the development shall be occupied until a Draft Framework Travel Plan has been submitted to and approved in writing by the Director of Communities, Economy and Transport. Thereafter the approved Travel Plan shall be implemented and reviewed as specified within the approved document.

Reason: To encourage and promote sustainable transport options in accordance with Saved Policy TR3 in the Wealden Local Plan 2003.

11. Prior to occupation of development the applicant will be required to carry out off site highway works as agreed with the Highway Authority.

Reason: To ensure works in the public highway are properly carried out.

12. Prior to construction above ground samples of the materials to be used in the construction of the extension hereby permitted shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Saved Policy EN27 in the Wealden Local Plan 1998.

INFORMATIVES

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or

destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 01 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting bird activity on site during this period and shown it is absolutely certain that nesting birds are not present.

2. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence the process of implementing off-site highway works. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Schedule of Approved Plans

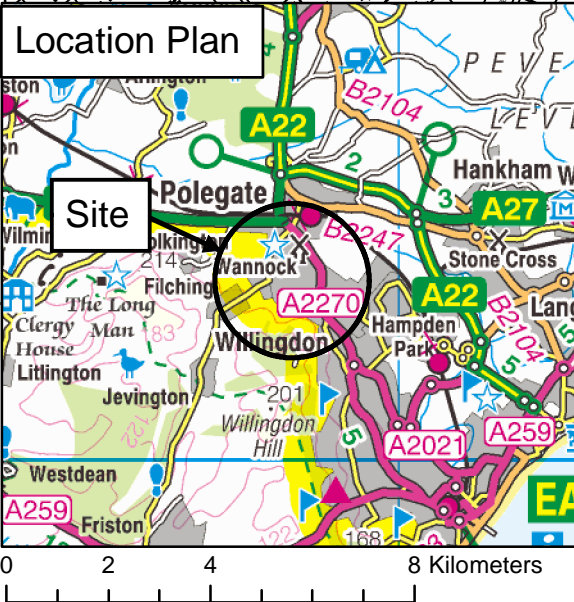
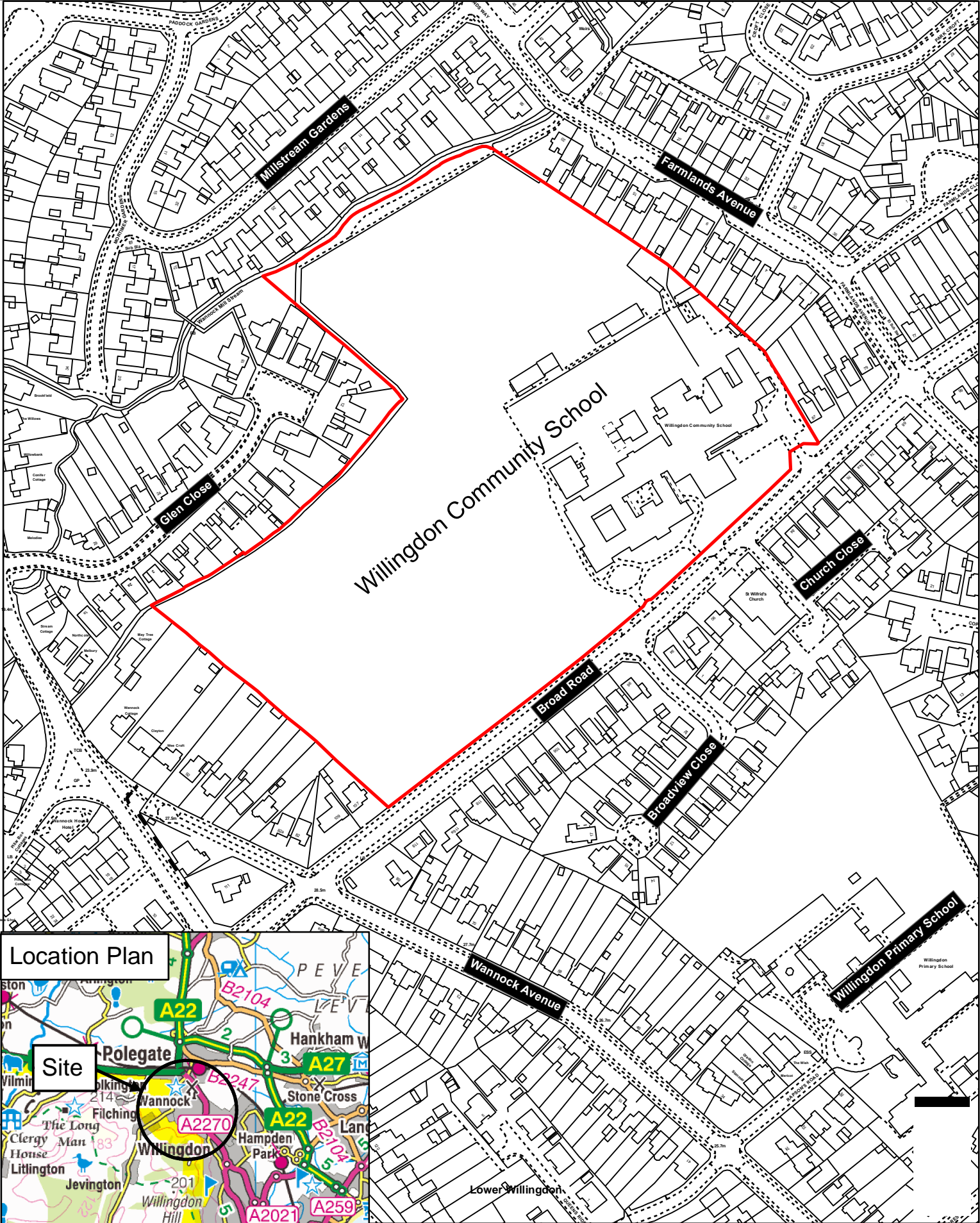
Detailed Plant Schedule and Specification, Ecological Design Strategy and Landscape Management Plan, 8918/P100 - Existing Location Plan, 8918/P101 - Existing Block Plan, 8918/P102 - Existing Ground Floor Plan of the School, 8918/P103 - Existing First Floor Plan of the School, 8918/P104 - Proposed Site Plan, 8918/P105 - Proposed External Works - Car Park 1, 8918/P106 - Proposed External Works - Car Park 2, 8918/P107 - Proposed Ground Floor Plan with External Work - Sports Hall, 8918/P108 - Proposed Roof Plan, 8918/P112 - Cross Sections, 8918/P113 - Longitudinal Section, 8918/P115 - First Floor Gym Alterations, 8918/P116 - Proposed Inclusion Suite, 8918/P117 - Proposed new Pupils Entrance, 8918/P118 - Proposed new pupils entrance - North East, 8918/P119 - Proposed Corridor Extension - First Floor Plan 1/2, 8918/P120 - Proposed Corridor Extension - First Floor Plan 2/2, 002 - Tree Retention and Protection Plan, 004 - Tree Retention and Protection Plan, 100 Rev01 - Soft Landscape Layout, 200 Rev01 - Detailed Planting Plan, 201 Rev01 - Detailed Planting Plan, Detailed Planting Plan (Habitat Creation), M15/06/502 Rev A - Lower Car Park Lighting Layout, M15/05/504 Rev A - Upper Car Park Lighting Layout, Existing School Refurbishment External Works Sheet 1 of 2, Existing School Refurbishment Site Drainage Sheet 1 of 2, Existing School Refurbishment Site Drainage Sheet 2 of 2, Existing School Refurbishment External Works Sheet 2 of 2

RUPERT CLUBB
Director of Communities, Economy and Transport
10 April 2018

BACKGROUND DOCUMENTS

Planning Application File
Development Plan
National Planning Policy Framework

WD/3385/CC Appendix 1
 Willingdon Community School, Broad Road, Willingdon



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Committee	Regulatory Planning Committee
Date	18 April 2018
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to enforcement and site monitoring, undertaken under delegated powers for the three months period between 1 January and 31 March 2018; and development management performance for the period 1 April 2017 to 31 March 2018.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

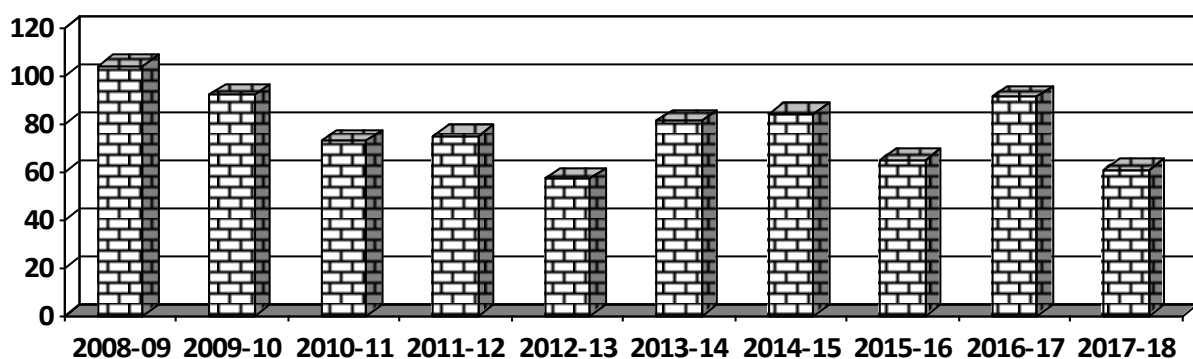
CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 January and 31 March 2018, there were eleven new alleged breaches of planning control. Of the new cases, ten were resolved within the reporting period and five older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of March 2018 was six. This represents a decrease of four in the number of cases that were outstanding at the end of the previously reported quarter.

1.2 The current number of outstanding cases is unprecedentedly low. During the last financial year, we have seen a decrease in the number of new enforcement cases received compared to previous years, which is probably an indication that activities in certain sectors of the construction industry have been slower than in previous years. The chart below shows the number of new cases that have been received each year since 2008-09. The resources available to deal with enforcement cases are currently adequate. However, this will need continual monitoring to ensure that outstanding cases do not reach excessively high numbers, as has happened in previous years.

New enforcement cases received, by year



1.3 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January and 31 March 2018, 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 twenty three non-chargeable site monitoring visits were carried out and one chargeable monitoring visit was undertaken. No substantive 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 receipt of a complaint.

3. Appeals

3.1 As reported in the previous Quarterly Update report, there were two outstanding appeals that were being dealt with. One was 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 was dealt with under the written representations procedure and a decision has now been received. Disappointingly, the Inspector allowed the appeal and overturned the Council's decision to refuse planning permission. As a result planning permission, subject to conditions, has been granted for the development. The Inspector considered that whilst there would be some adverse impact on both the adjoining Seaford Town Cemetery and nearby residential properties, he did not consider that the impact or harm was sufficient to refuse planning permission. A copy of the Inspector's decision is attached as Appendix 2 to this report.

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 (UPVC window frames) at Upper Lodge Farm, The Broyle, Ringmer. The Notice required the cessation of the activity and the clearance of the site. The appellant appealed on "Ground (a)": that planning permission should be granted for the activity, and requested that the matter be dealt with by way of a Hearing. The Planning Inspectorate has now confirmed that the appeal can proceed and, despite the appellant requesting a Hearing, has indicated that the appeal will be heard at a Public Inquiry. Interested parties will be notified in due course and further instructions are awaited from the Planning Inspectorate. Members will be advised of the outcome of the appeal in future reports.

4. Development Management

4.1 The Growth and Infrastructure Act 2013 introduced new measures and consequences in terms of the planning performance of planning authorities. Where authorities are not adequately performing their planning function of determining relevant planning applications within prescribed timescales, they can be designated as being in "special measures". Under this provision, the power for determining planning applications can be taken away from local authorities, and applicants can choose to have their application determined by the Planning Inspectorate. We are required to submit quarterly statistical returns and there are penalties for failing to submit two or more quarters of data and, once applied, the penalties will be reflected in the performance statistics published. Additionally, if an application is not determined within 26 weeks and extensions of time have not been agreed with the applicant, planning authorities have to return the planning application fee to the applicant.

4.2 The Government publishes criteria for determining whether or not to place local planning authorities in "special measures". One measure is the average percentage figure for the timely determination of major development applications over two years. The threshold for designation is currently at 60% of applications being determined within a 13 week period, or within a timeframe

agreed with the applicant. The Government also introduced monitoring for performance on non-major planning applications, the threshold for which is 70% of applications being determined within an 8 week period, or within a timeframe agreed with the applicant. However, the monitoring of performance on non-major applications relates to District/Borough/Unitary authorities and not County Councils. Therefore, the performance on the determination of the County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we will continue to monitor and report on our own performance.

4.3 In terms of performance, for the period April 2017 to March 2018 (inclusive) a total of forty nine applications were determined (14 County Matters, 28 County Council, 1 Listed Building Consent, 5 Non-Material Amendment and 1 Prior Notification). Nine planning applications were withdrawn and the Council declined to determine 1 planning application. Of the relevant applications, 100% of County Matter applications were determined within 13 weeks or within an agreed extension of time, and 100% of County Council applications were also determined within 8 weeks or within an agreed extension of time, both of which clearly exceed the targets set by Government and locally.

4.4 In terms of the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending December 2017 was 88.9% of major applications determined within the relevant timescale, which is well above the current 60% threshold.

4.5 In addition to dealing with planning applications, the Planning Policy and Development Management Team have continued to provide a pre-application advice service to applicants, for both County Matters and County Council development. With effect from 1 July 2017, charges and new procedures for pre-application advice requests were introduced. Requests for pre-application advice on County Matters now incur a fee, whereas pre-application advice requests for County Council developments do not. However, in all instances, new procedures that were introduced now require each submission, whether chargeable or not, to be via a formal form and accompanied by specific details/documents. Additionally, enquiries relating to whether a development requires planning permission also have to be submitted on a prescribed form. This all ensures that requests are being submitted with the correct information and also enables accurate recording of the number of requests being dealt with.

4.6 During 2017/18, 38 proposals received formal pre-application advice, only one of which was chargeable. In addition, 17 enquiries as to whether planning permission was required were also dealt with.

5. Contact Officers

5.1 Members with any queries about site monitoring or enforcement matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218). Members with queries relating to County Matter and Regulation 3 applications should contact either Jeremy Patterson (01273 481626) or David Vickers (01273 481629).

RUPERT CLUBB
Director of Communities, Economy and Transport
06 April 2018

Local Members: All

BACKGROUND DOCUMENTS

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

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TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED SINCE JANUARY 2018

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
October 2013	Diplocks Farm, Chalvington	Importation and deposit of waste	<p>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. An initial joint site meeting with the Environment Agency and the landowner was held, and the landowner was advised that the activity required planning permission, but would be unlikely to be supported and that the importation of waste should cease and the site be cleared. The landowner stated that it was his intention to clear the site of the imported waste.</p> <p>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 continued, but the landowner suffered a period of ill health and was unable to work.</p> <p>Further site visits were subsequently carried out, including with officers from the Environment Agency and 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 required: (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 continued to be undertaken and no further waste was observed to have been imported to the site or burnt.</p> <p>A site visit was carried out shortly after the period of time for compliance with the Enforcement Notice expired. At that time it was noted that two of the areas identified in the Enforcement Notice had been cleared, but there were two areas that still needed further clearance before the County Council could consider that the requirements of the Enforcement Notice had been satisfied. Due to the ground conditions at the site and the impossibility of getting machinery to the necessary areas, it had not been possible to clear these two areas. For this reason, and the positive steps taken by the landowners, it was not considered at that time that the prosecution of the landowners would either be in the public interest or would obtain the desired compliance. Officers continued to work with the landowners to ensure that compliance with the requirements of the Enforcement Notice were met.</p> <p>A further site visit has been carried out and officers are satisfied that sufficient clearance has now been undertaken in order to comply with the requirements of the Enforcement Notice. Notwithstanding this, the Notice remains extant and officers will continue to monitor the site on an ad-hoc basis to ensure there are no further breaches of the Notice. Should any future breaches of the Notice occur, this matter will be reported to Members in future reports.</p>
April 2017	Remove It, The Old Poultry Farm, Rattle	Importation and deposit of waste (House	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

	Road, Westham	Clearance)	<p>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.</p> <p>The operator commenced the clearance 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 required 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.</p> <p>A site visit has recently been undertaken and it was noted that the imported waste has now been cleared from the site. Breach of planning control resolved and no further enforcement action required.</p>
July 2017	PJG Group, Unit 2, Bowlings Corner, Marley Lane, Battle	Unauthorised development	<p>The operator at this site has been storing waste on the rear of lorries and in skips at the site.</p> <p>The site has been regularly monitored. During this time it has been established that no waste materials are actually unloaded or processed at the site and it is not considered that the overnight storage of waste in vehicles constitutes an operation that falls within the definition of development contained within the Town and County Planning Act 1990. Therefore, this activity does not require specific planning permission. Other activities being undertaken at the site are considered to constitute development, but do not fall within the remit of the County Council, as Waste Planning Authority. Details of the site have, therefore, been passed to Rother District Council.</p> <p>No breach of planning control for the County Council, as Waste Planning Authority, to deal with and no further action is therefore required.</p>
September 2017	4 Faversham Road, Eastbourne	Importation and deposit of waste.	<p>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 was advised that the activity must cease and the site be cleared of the imported waste.</p> <p>Although progress on clearing the site was initially slow, a further site visit has been undertaken, which confirmed that the site has now been cleared of the imported waste. Breach of planning control resolved and no further action required.</p>
September 2017	Sussex Waste Management. Whitworth Road, St. Leonards-on-Sea	Breach of Conditions (pre-commencement)	<p>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.</p> <p>A site monitoring visit noted that the waste treatment pad had been constructed and was in use, despite none of the pre-commencement conditions having been discharged. The operator was given until 15 February 2018 to submit the required details, or risk formal enforcement action. An application to discharge the outstanding planning conditions was submitted, within the set deadline. The details were reviewed and considered acceptable, and subsequently approved under delegated powers.</p> <p>Breach of planning control resolved and no further enforcement action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>

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TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2018 AND RESOLVED

January 2018	Land to the south of New Cut and Solomans Lane, Mountfield	Breach of condition (development not in accordance with approved details)	<p>A complaint was received that the development of a new wastewater pumping station and treatment works was not being carried out in accordance with the conditions attached to the planning permission for the site (RR/728/CM). Discussions have been held with the developer and no breach of the planning conditions has been identified.</p> <p>No breach of planning control and no further enforcement action required. As the development continues, the site will be monitored, as part of the Council's Site Monitoring Policy, to ensure compliance with the conditions attached to the relevant planning permission.</p>
January 2018	Toad Hall, Lane End Common, North Chailey	Importation and deposit of waste materials	<p>A complaint was received that waste materials, comprising soils and sub-soils, were being imported into this site and deposited. A joint site visit was carried out with an officer from Lewes District Council, which confirmed the substance of the complaint.</p> <p>Contact was made with the operator who stated that the waste materials were required on the land to improve poor drainage. The works are considered to be an engineering operation, as opposed to a waste disposal operation, and as such will be dealt with by Lewes District Council (LDC) as the relevant planning authority.</p> <p>LDC have written to the landowner to advise that this matter requires planning permission and have provided the landowner with a timescale for the submission of a planning application. There is no breach of planning control for the County Council, as Waste Planning Authority, to deal with and no further action is required.</p>
January 2018	Hankham Hall Road, Hankham, Pevensey	Importation and deposit of waste	<p>A report was received that waste materials were being imported into and deposited at a site somewhere along this road. No precise location was provided.</p> <p>The area around this location was extensively searched and no trace of any waste materials being deposited on any site was found. In the absence of further information, there is no breach of planning control to investigate and no further action is required. Should additional information regarding the allegation be forthcoming, which is sufficient to identify an actual site, further investigations will be carried out and the matter reported to Members in future reports.</p>
February 2018	1 Stroma Gardens, Hailsham	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received by Wealden District Council (WDC) that waste materials were being imported into this site and bulked up in a skip on the driveway, before being removed. Officers from WDC carried out an initial site visit which confirmed the substance of the complaint. WDC then passed the matter to the County Council to deal with as a waste planning issue.</p> <p>A site visit was carried out by Officers, but no skip was found at the site during the visit. Discussions were held with the landowner, who stated that a skip was sometimes at the site in order to receive waste from her husband's building company in order to manage and recycle this waste responsibly. The planning implications were explained to her and further monitoring visits to the site have been undertaken, during which time no skips or waste have been seen on the site.</p> <p>Breach of planning control resolved and no further enforcement action required.</p>

February 2018	Dudley Infants Academy, Harold Road, Hastings	Unauthorised tree works in the Old Town Conservation Area	<p>A complaint was received from Hastings Borough Council that unauthorised tree works were being undertaken at the site. A site visit was undertaken and discussions held with the School's Site Manager, who explained that a tree had been felled because it was dying.</p> <p>Contact was made with the company who undertook the works, and they explained they had the necessary tree works consent from Hastings Borough Council, a copy of which was subsequently provided.</p> <p>No breach of planning control and no further action required.</p>
February 2018	Upper Wilting Farm, Crowhurst Road, St. Leonards-on-Sea	Importation, deposit and storage of waste materials	<p>An officer, passing the site, noticed that there was a deposit of road planings and hardcore on the site. The officer entered the site and spoke with the landowner and his son, who stated that the waste materials were required on the farm for the maintenance and repair of field gateways.</p> <p>The use of waste materials for these type of works falls within agricultural permitted development rights and therefore do not require specific planning permission, subject to certain criteria being met.</p> <p>A letter has been sent to the landowner reminding him of the criteria. No breach of planning control and no further action required.</p>
February 2018	Allied Waste Management, Unit 8 Knights Business Centre, Squires Farm Industrial Estate, Easons Green	Breach of Condition (Excessive noise)	<p>A complaint was received that the site was emitting excessive levels of noise, which the complainant believed was a breach of planning control. It was explained to the complainant that the planning permission that related to this operation did not have any conditions attached to it which limited the amount of noise that the site could produce. The complainant was further advised that should he consider that the noise constituted a statutory noise nuisance under the Environmental Protection Act 1990, then the matter should be referred to the Environmental Health Officer at Wealden District Council.</p> <p>Notwithstanding this, officers from this Authority have visited the site on several occasions and no unacceptable levels of noise have been heard coming from this particular site. In addition, noise can be heard from other units on the industrial estate, although none of these sources of noise come from developments/uses that fall within the County Council's remit and, in any event, it is not considered that the noise could be considered as excessive for an industrial estate.</p> <p>No breach of planning control and no further action required. The site will continue to be monitored in accordance with the Council's Site Monitoring Policy.</p>
February 2018	Tingley Carpets, 44 High Street, Polegate	Importation, deposit and storage of waste materials	<p>A complaint was received that waste materials were being imported into and deposited in the yard at the rear of the flooring shop. A site visit was undertaken, which confirmed the substance of the complaint.</p> <p>Contact was made with the operator of the site who explained that his core business was the supply and fitting of floor coverings of all types. Intrinsic, but incidental, to this operation is the removal of old floor coverings from customers' properties. The waste stored in the rear yard consisted entirely of this type of waste materials. The planning implications of the importation and storage of this type of material was explained to the operator who stated that he intended to get it cleared from the site within the near future and he is actively pursuing alternative legitimate means of disposing of his customers waste floor coverings.</p> <p>This is not considered to be a County Matter and has, therefore, been referred to Wealden District Council for the consideration of enforcement action under Section 215 of the Town and Country Planning Act 1990 (untidy site) or a</p>

			Community Protection Warning/Notice under the provision of the Anti Social Behaviour, Crime and Policing Act 2014. No further action is required by this Authority.
February 2018	Land south of Flower Pot Nursery, Frant Road, Tunbridge Wells	Importation and deposit of waste	A complaint was received that waste materials were being imported into and deposited at this site. An initial site visit was carried out by an officer from Wealden District Council, which confirmed the substance of the complaint. A letter was sent to the landowner and a follow up site visit has subsequently been undertaken, which noted that the waste had been cleared from the site. Breach of planning control resolved and no further action required.
March 2018	Croc Waste, Town Court Farm, Bayham Road, Tunbridge Wells	Importation and deposit of waste	This site came to Officers' attention when they were investigating another matter. It was found that the operator had registered a Waste Exemption for the storage of waste at this site and a subsequent site visit by Officers confirmed that waste was being imported into and stored at the site. Contact was made with the operator and a site meeting held. Prior to the site meeting, the operator removed all the imported waste from the site, thereby resolving the breach of planning control. The operator has been advised of the various options that are available to deal with his waste and he will be altering the company's operations so that no more waste will be brought back to this site and deposited. Breach of planning control resolved and no further action required.

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2018 AND AS YET UNRESOLVED.

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
March 2018	Sacred Heart R.C. Primary School, Old London Road, Hastings	Unauthorised development- Timber outdoor classroom	A complaint was received that unauthorised development on County Council land had taken place at this site. A site visit was undertaken which confirmed that a timber building had been erected on the site. Enquiries are currently being undertaken to ascertain the full ownership of the site, and whether the building constructed requires planning permission or is considered to be permitted development.

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
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

			<p>costs of clearing the land. Consequently, the waste wood remained on the site.</p> <p>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).</p> <p>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 entered a guilty plea at an earlier hearing. He was sentenced to one year's imprisonment.</p> <p>The site has been regularly monitored and the waste wood is still on site. The landowners have been in contact with officers concerning a proposal for an operation at the site which would provide the finance to help with the disposal of the waste wood. They have now engaged in seeking pre-application advice and a formal response has been provided. It is considered that their proposal has some merit and a full planning application is expected to be submitted shortly.</p> <p>Pending the determination of the planning application, any further enforcement action will be put in abeyance, although the situation will be kept under review.</p>
May 2016	Land to the North of Leeds Lane, Five Ashes	Importation and deposit of waste materials	<p>A complaint was received that waste materials were being imported into and deposited at the site. A site visit was undertaken which confirmed the substance of the complaint. Contact was made with the occupier who stated that the purpose of the importation was to improve the track through the wood for his animals in order to be able to move them across the land and not across roads, which would incur expensive veterinary costs for tuberculosis testing.</p> <p>The position regarding the requirement for planning permission was explained to the tenant farmer, and he was requested to cease any further activity until a joint site meeting with all the regulatory authorities concerned had been arranged. A further joint site meeting took place, and it was noted that the tenant farmer had completed the works to the track. The imported waste 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.</p> <p>Some materials were removed and officers have continued to liaise with all the regulatory authorities in order to provide the landowner with a 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.</p> <p>Some of the agreed remedial works were carried out, but ground conditions then deteriorated to such an extent that machinery was unable 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.</p> <p>The operator was recently contacted, who stated that it was his intention to recommence the remedial works in the near future, subject to weather and ground conditions permitting. The site will continue to be monitored to ensure</p>

			the works are completed.
June 2016	Penfold Driveways, The Warren, Crowborough	Unauthorised development	<p>A complaint was received by the Environment Agency that waste was being imported into and deposited at the site. A joint site meeting was arranged with all the various regulatory authorities and the operators to discuss the various issues at the site. It was clear during the course of the site meeting that the importation, deposit and processing of waste was taking place at the site.</p> <p>A pre-application site meeting with the operators 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 new agent, who stated that they were proposing works on the site that had not previously been discussed, and which could possibly be unsupportable.</p> <p>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.</p> <p>Officers have undertaken a further site visit and it was noted that a significant quantity of the imported waste materials has now been removed from the site. A further site meeting with the operator and Environment Agency is in the process of being arranged in order to discuss the removal of the residual quantities of waste materials and future operations at the site.</p>
February 2017	Freedom Powerchairs Ltd, Upper Lodge Farm, The Broyle, Ringmer	Importation and deposit of waste	<p>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.</p> <p>The operator failed to submit a planning application within the agreed timescale, or clear the site of the imported waste. Formal enforcement proceedings 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.</p> <p>An appeal against the Enforcement Notice was made to the Planning Inspectorate, which put the Notice in abeyance. Confirmation that the appeal can proceed has now been received from the Planning Inspectorate, who has indicated that the appeal will be dealt with at a public inquiry. Members will be updated of progress in future reports.</p>

December 2017	Land adjacent to The Downs View, Hailsham Road, Stone Cross	Importation and deposit of waste (wood and green waste)	<p>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 adjoining property. They were in the process of getting it cleared, but had been hampered by the weather and very wet ground conditions and progress was limited.</p> <p>The further poor weather since Christmas has prevented any vehicles gaining access to the site to remove the waste materials. 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.</p>
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Appeal Decision

Site visit made on 15 January 2018

by **David Richards BSocSci DipTP MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 7 February 2018

Appeal Ref: APP/G1440/W/17/3181404

James Waste Ltd, Unit 3, Cradle Hill Industrial Estate, Seaford, BN25 3JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by James Waste Management against the decision of East Sussex County Council.
 - The application Ref LW/786/CM, dated 22 December 2016, was refused by notice dated 8 March 2017.
 - The development proposed is demolition and replacement of existing waste transfer station building to enable continued use of site as a waste transfer station.
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Decision

1. The appeal is allowed and planning permission is granted for demolition and replacement of existing waste transfer station building to enable continued use of site as a waste transfer station at James Waste Ltd, Unit 3, Cradle Hill Industrial Estate, Seaford, BN25 3JE in accordance with the terms of the application, Ref LW/786/CM, dated 22 December 2016, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues in this appeal are the effects on the character and appearance of the surrounding area, and on the amenity and living conditions of neighbouring occupiers.

Reasons

3. The appeal site lies in the southern part of Cradle Hill Industrial Estate, an established industrial estate on the north-eastern outskirts of Seaford and within the development boundary. The boundary of the South Downs National Park (SDNP) is about 220 metres to the north and east of the site. The site is currently occupied by an existing waste transfer station (WTS), which operates from an industrial unit with associated vehicular parking and access space.
4. The WTS building is accessed from the northern part of the premises and there is an access driveway and vehicle waiting area adjoining the north side of the building, and pedestrians can access the building from this side. A further area of hardstanding lies to the south of the building which is not permitted to be used as part of the WTS.
5. Further industrial units are located to the north and north-east of the site. Seaford Town Cemetery is situated to the south and east and there are

- residential properties to the south-east and south-west. The closest dwelling is 17 Kammond Avenue, which is about 30 metres east of the application site, although the distance from the western corner of its garden to the site is about 8 metres.
6. A previous application (LW/754/CM) was refused by the Council. Although the current proposal is materially the same as the refused scheme, the Appellant has amended certain aspects of the design in an attempt to address the reasons for refusal. The Appellant proposes to demolish the existing building and replace it with a new building designed to facilitate easier and safer access, maximise internal space for more effective working and create a safer working environment. The new building would be steel framed and would cover most of the site. It would be sunk into the ground to a depth of 1.5 m and its height to the ridge 10.01 m above the existing ground level, with an eaves height of 8.03 m. This compares to the highest part of the existing building (at the rear) being some 7.5 m, and some 6.1 m at the front of the building.
 7. The internal layout would include the installation of storage bays, a sorting area and a weighbridge, although these are not shown in the application drawings. Access by vehicles would be via a roller shutter door on the south-west elevation of the building. Pedestrian access would also be from the south-west, as well as from the south-east and north-east elevations. The total floor area of the new building would be some 1200 m², compared to 900 m² for the existing building, increasing the floor area by about a third. A new retaining wall would be constructed along the north-east boundary and a six metre high screen fence would be erected on this side of the building. Tree planting is proposed on the north-east side of the site, which would extend along the south-eastern boundary with the Town Cemetery.
 8. The WTS operation would retain the current management of waste primarily from the Appellant's skip-hire operation, although some materials would continue to arrive from external sources, such as building contractors and local waste removal companies. Waste materials are delivered to the site, typically by skip trucks, roll-on roll-off trucks and tipper trucks. Each incoming delivery vehicle would be weighed and all accepted loads would be stockpiled in the sorting area. A telehandler and digger would sort the waste, which would then be stored in bays. Up to 75,000 tonnes of waste per annum (tpa) is proposed to be handled at the site, compared to the existing 20,000 tpa. Parking would be retained at the front and side roads to the WTS, while allowing access to the estate road through the roller shutter door. It is anticipated that lorries would park in the building overnight. The number of employees is expected to increase from 13 to 20.
 9. The development plan includes the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 (WMP), the Lewes District Joint Core Strategy Document 2016 (CS) and the saved Policies of the Lewes District Local Plan 2003 (LP).
 10. The County Council committee report considered the use of the site as a WTS to be acceptable in principle. Paragraph 6.2 states that the application site is currently used as a WTS and is within an area of focus. As such it is safeguarded in the Waste and Minerals Plan under Policy WMP6 and accords with Policy WMP7a. The site is also identified ... for waste management

purposes and Cradle Hill Industrial Estate is also identified in the Waste and Minerals Plan Schedule of Suitable Industrial Estates for waste uses.'

Effect on character and appearance

11. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA). This identified a series of representative viewpoints taken within the study area, ranging from a distance of 0 to 2.2km from the centre of the site. The elevation of viewpoints ranges from 33 to 89 metres above ordnance datum (AOD), in comparison to the site centre at 44 metres. Photographs were taken in May 2015, representing vegetation density typical of spring/summer. I have assessed what I consider to be the most important visual effects.
12. In the view from Cradle Hill Road – Main Estate Entrance (Viewpoint 1) there would be a change on the form and scale of the buildings, with the existing building cluster being replaced by a larger building. It will be taller than the existing. To my mind the increased building height would not appear unacceptable from this direction. The existing buildings are typical of an industrial estate, but present an undermaintained and somewhat incoherent appearance. The development would mostly be perceived by users of the premises and neighbouring businesses. I consider that a new purpose-built building would represent an overall improvement in this view, notwithstanding the increase in height.
13. Viewpoint 3 is taken from within Seaford Town Cemetery looking north towards the site buildings and including the Fire Station tower to the left. There will be an immediate change in the form and height of the building which will break higher into the skyline. The LVIA assesses the sensitivity of this location to be high, and the impact of the new building to be moderate/substantial. However it is suggested that over time tree planting to the south of the site will age and filter the views of the building. The proposed screen on the west side of the building will not be greatly evident from this location. Having regard to the proximity of the Cemetery to the existing buildings on the industrial estate, including the Fire Tower and the appeal premises, it is my view that the visual impact of the change would be moderate rather than substantial.
14. Viewpoint 9 is taken from within the Cemetery looking west towards the rear of the site buildings, which are currently visible in the view beyond the memorial wall. The sensitivity of this location is assessed as high, and the impact moderate. Again, the new building will appear taller and break higher in the skyline. The existing valleys between ridges will be replaced by a single-span building with a higher central ridge and higher eaves, giving an impression of greater bulk. Mitigation is proposed in the form of a proposed planted screen, which would have an immediate impact, with columnar trees increasing screening over time.
15. A number of other views from within the urban area are assessed as experiencing slight or moderate impacts as a result of the development. In general I agree with the assessments of impact set out in the LVIA.
16. With regard to more distant views, Viewpoint 10 is an elevated view from the South Downs National Park, from which the general extent of the urban area of Seaford is evident. The existing buildings cannot be seen, though the Fire Tower marks the general location. It is unlikely that any visual change at the

site will be discernible, having regard to distance (approximately 1km) and intervening buildings and trees which obscure the site. To my mind the any impact on this high sensitivity location would be at most slight. Similarly with Viewpoint 12 – Bridleway to the north-east. In this view the roofs of the site buildings are just discernible in the middle distance. While the change in height and mass may just be discernible in the view, it would not break the skyline and would be visible against existing development in the built up area of Seaford, impact being assessed as slight.

17. With regard to landscape effects, the development involves the continuation of an existing use within a building which, though larger and taller, would not involve significant change in the context of the wider landscape. I accept the LVIA conclusion that the impact of the proposal would be negligible on a landscape scale and with reference to the national and county landscape character assessments.
18. As part of my site visit I visited No 17 Kammond Avenue, a bungalow and the closest residential property to the appeal site. I saw that the principal windows in the rear elevation do not face directly towards the proposed building, so that the new building would not have any significant impact on the outlook from habitable rooms. It would however be readily visible from the rear garden, which is only separated from the appeal site by a section of roadway linking the two parts of the Cemetery. Nevertheless I do not consider that the increase in height and bulk of the building would result in serious harm to the living conditions of No 17. The separation distance would be enough to ensure that the scale and bulk would not dominate or cause any overshadowing or loss of daylight and sunlight to the garden.
19. In summary, I acknowledge that the development would have an adverse visual impact when viewed from the Cemetery, and from gardens/dwellings on Kammond Avenue. From other locations within the urban area, including from within the Estate, the impacts would be slight to moderate. In the wider landscape, the impacts would be negligible. Set against these impacts there would be some improvement to character and appearance of the estate from a modern purpose-built building in replacement for the existing poorly maintained buildings. The visual impact would be moderated by the neutral colouring to the exterior, and the proposed planting and screening would help to assimilate the building into its surroundings. On balance I conclude that the effect on the character and appearance of the locality after mitigation would be acceptable, and accordingly would not involve material conflict with Policies WMP23a and WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, saved Policy ST3(a), (c) & (d) of the Lewes District Local Plan 2003 or Core Policy 11 of the Lewes Core Strategy 2016 (CS).
20. In reaching this conclusion I have taken into account the status of the Cemetery as a non-designated heritage asset. For reasons given above, I consider that there would be some adverse impact on the character and appearance of the Cemetery, though in my view it would be moderate rather than substantial. In the context of the advice in Paragraphs 134 and 135 of the National Planning Policy Framework, I consider that the harm would be less than substantial, and therefore a balanced judgement is required having regard to the scale of any harm or loss.

21. The Council raised concerns that the scope for landscape mitigation was severely limited, and identified potential problems in establishing and maintaining the proposed landscaping. To my mind, these concerns are overstated. The Appellant submitted an amendment to the landscaping plan with the Appeal (Revision D) which demonstrates in principle how landscaping could be implemented successfully. While it would not fully mitigate the effect of the enlarged building, it would assist considerably in assimilating the building into its surroundings. A condition requiring submission of further details and a landscape management plan would be appropriate to address these concerns.

Effect on living conditions

22. While acknowledging that the development is acceptable in principle in this location, the Council is concerned that a potential increase in HGV movements to and from the site associated with an increase in throughput from 20000 tpa to 75000 tpa will result in continuing noise and dust emissions. The Council acknowledges that the new building might be expected to contain such emissions which are generated within the building. I agree that a new purpose-built building is likely to perform significantly better in this regard than the existing buildings which have been adapted from a previous use. I do not consider there is any convincing evidence which demonstrates that the appeal development would be harmful to the Cemetery and its use by people seeking peace and reflection, in comparison with the current operation in the building as it stands.

23. With regard to HGVs and other vehicles, the site lies within an existing industrial estate, where movement of commercial vehicles, including commercial vehicles, is to be expected. While I acknowledge the potential for increased vehicle movements, the highways consultee has not objected to the development on grounds of traffic or safety impact. I accept that increased number of vehicles on the local road network will not be welcomed. However, the appeal site is one where the WMP encourages development of this type to serve the needs of the community and business, in accordance with national policy which seeks to maximise reclamation and recovery of waste materials. This scheme would contribute to that objective. In my judgement it is unlikely that the traffic generation associated with a development of this scale, would have a significant impact on noise and dust levels experienced on the local road network or in the vicinity of the site. With regard to dust, it is generally required that vehicles should be sheeted, to minimise the potential for dust emissions. I consider that potential issues of noise and dust arising at the site itself or from vehicles visiting the site are capable of being addressed through the attachment of appropriate conditions.

24. The Council and others also consider that the loss of areas of hardstanding, which currently accommodate waiting and parked vehicles, would result in insufficient parking to accommodate the site workers' vehicles, and that waste vehicles would have to queue regularly outside the building on the road, as happens now, causing congestion and loss of amenity to neighbouring occupiers, particularly the adjoining funeral directors.

25. The Appellant points out that if the appeal is dismissed, the existing building will continue to be used as a WTS, perpetuating what the Council considers to be existing problems of congestion and circulation. One of the purposes of a

new building is to make better use of the site as a WTS and create space for the more effective handling of materials within the building and transport of materials to and from the site. To my mind, the enlargement of the building offers the opportunity to create a more flexible and efficient internal layout and throughput of vehicles which would counteract the potential increase in number and size of vehicles visiting the site.

26. With regard to parking, the site is on the edge of the urban area, and there are opportunities for workers to travel to and from the site by means other than the private car. The Appellant states that there is scope for parking to be provided within the site, and I consider that this is a matter which is capable of being addressed by condition. While I understand the Council's concerns, which reflect those of residents of the locality and neighbouring businesses, I do not consider that the Council has convincingly demonstrated unacceptable environmental harm arising from the proposal, or material conflict with Policies WMP25a and WMP26d of the WMP, and Saved Policy ST3(a), (c) and (d) of LP.

The planning balance and conclusion

27. The Council accepts that the continued use of the site as a WTS and the erection of a replacement building is supported in principle by policies in the WMP, and that there would be benefits in terms of the management of waste and the creation of further employment opportunities.
28. I acknowledge that the building would be larger and bulkier than the one it is intended to replace, and that this will have some limited adverse visual impact, particularly when viewed from the Cemetery and Kammond Avenue. The planting and screening proposals offer some worthwhile mitigation and will help to integrate the new building into its surroundings. With regard to the status of the Cemetery as a non-designated heritage asset, the extent of harm would be in the category 'less than substantial'.
29. With regard to other environmental impacts, such as noise and dust, I consider that there is some scope for improvement on present conditions through the erection of a modern purpose built building, which offers the potential for more efficient working and better containment of noise and dust emissions. Any potential adverse impacts can be mitigated by the attachment of appropriate conditions.
30. Policies of the WMP are supportive of the development in principle. With regard to other development plan policies addressing visual impact, emissions, traffic impact and living conditions the Council has not demonstrated that the limited harm identified would be unacceptable, and therefore I find that there would be no material conflict with the relevant policies of the development plan. There are no material considerations of sufficient weight to indicate that the appeal should be decided otherwise than in accordance with the development plan. For these reasons I conclude that the appeal should be allowed.
31. In addition to the time limit, a condition listing the approved plans is necessary to define the permission and in the interests of proper planning. Conditions securing the preparation of a construction management plan, a dust mitigation scheme, hours of operation, limitations on noise emissions, an external lighting plan and limitations on the outside storage of waste are necessary to protect the living conditions of neighbouring occupiers, and the amenity of the area. Conditions addressing materials and landscaping are necessary to secure a

satisfactory appearance to the development. Conditions requiring details of surface water drainage and car parking to be approved and implemented are necessary to secure satisfactory provision on site in respect of these important matters. Conditions relating to the submission of a remediation strategy in connection with site contamination are necessary to address the risk of harmful emissions to the environment. A condition requiring details of piling and foundation work to be submitted for approval is necessary to avoid contamination of groundwater/aquifers.

David Richards

INSPECTOR

Appeal Ref: APP/G1440/W/17/3181404

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Except as required by any other condition attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1589/D002 Rev v.a dated 9 November 2016 (Existing Site Plan); Drawing No. 1589/D003 Rev v.a. dated 9 November 2016 (Proposed Site Plan); Drawing No. 1589/D004 Rev v.a, dated 9 November 2016 (Building Elevation Plan); Drawing No. SPP002 Rev D dated 8 February 2017 (Landscape Proposals); Drawing No. 1589/D005a Rev v.b dated 4 January 2017 (Cross Section – 1 Year).
- 3) No works including demolition shall take place at the site until a demolition and construction management plan has been submitted to the waste planning authority for approval in writing. The plan shall include matters regarding the timescales of development, hours of working, provision for parking, siting of plant and machinery and measures to protect the amenity of occupiers of adjoining units on the Estate and the Cemetery, particularly in relation to noise and dust, and the protection of the shared cemetery wall. The approved plan shall be implemented in full throughout the demolition and construction works.
- 4) Development shall not commence until the measures to manage surface water drainage have been submitted to the waste planning authority for approval in writing. The development shall be implemented in accordance with the approved details, and thereafter retained for the life of the development.
- 5) Before the occupation of the building hereby permitted a dust mitigation scheme for the operational use of the site, including dust arising from the use of vehicles, shall be submitted to the waste planning authority for approval in writing. The development shall thereafter be implemented and operated in accordance with the approved scheme for the life of the development.
- 6) Notwithstanding the information submitted with the application, the building hereby approved shall not be occupied until a landscaping scheme for the site to include a schedule and timetable for planting has been submitted to the waste planning authority for approval in writing. The scheme must demonstrate that the shared wall with the cemetery will be protected from damage during any works and that sufficient space is available to undertake planting and its subsequent management. The scheme shall thereafter be implemented and retained in accordance of with the approved details.
- 7) The building hereby permitted shall not be occupied until a landscape management plan has been submitted to the waste planning authority for approval in writing. The plan shall include measures for the management of the approved landscaping scheme the subject of condition 6 and shall include measures to provide for the on-going maintenance of the planting in relation both to its effectiveness as a visual screen and to the health of the plants during the life of the development. The development shall

thereafter be implemented and maintained in accordance with the approved management plan.

- 8) The building hereby permitted shall not be occupied until details of the parking area for employees has been submitted to the waste planning authority for approval in writing. The development shall be implemented in accordance with the approved details before the building is first occupied and the parking area shall thereafter be used for no purposes other than the parking of vehicles.
- 9) The building hereby approved shall not be constructed until details of the external materials and their colour have been approved in writing by the waste planning authority. Development shall be carried out and thereafter retained in accordance with the approved details.
- 10) The use of the waste transfer station shall not be carried on outside the hours of 0730 – 1800 on Mondays to Fridays inclusive and the hours of 1800 and 1600 on Saturdays, and at no time on Sundays, Public Holidays and Bank Holidays except for works of essential maintenance or which are in response to an emergency. Notice of the date, reason for and nature of the works shall be given in writing to the waste planning authority no later than one week after the carrying out such works.
- 11) Except for the two containers shown on Drawing Number 1589/D003 Rev v.a, dated 9 November 2016 (Proposed Site Plan), no container, skip, sorted or unsorted waste materials including recycled materials shall be stored outside the building.
- 12) There shall be no sorting, treatment, loading or unloading of waste, recyclable materials or any other materials other than within the building.
- 13) The operational noise levels emitted from the site, measured as LAeq 1hour (freefield) at the northern or western boundaries of the garden of 17 Kammond Avenue and in accordance with British Standard 4142:2014 shall be at least 5dB below the background LA₉₀ value.
- 14) The use of the waste transfer station shall not commence until an external lighting plan showing the locations and specification of the lights and any associated structures, together with the extent of light spillage from each light, has been submitted to the waste planning authority for approval in writing. The development shall be implemented and thereafter retained in accordance with the approved details.
- 15) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the waste planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the waste planning authority. The scheme shall be implemented as approved.

- 16) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the waste planning authority. The remediation strategy shall be implemented as approved.
- 17) Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the waste planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 18) Prior to the commencement of any work on site details of any proposed works of piling or other penetrative foundation works and measures to avoid the creation of preferential pathways to groundwater shall be submitted to the waste planning authority for approval in writing. The development shall thereafter be implemented in accordance with the approved details.