



## REGULATORY COMMITTEE

## PLANNING COMMITTEE

**MEETING 10.30 am WEDNESDAY, 20 MAY 2020**

**CC1 - COUNTY HALL, LEWES**

**++ Please note the Committee members will not be present in person, but will take the decisions remotely ++**

**MEMBERSHIP** - Councillor Richard Stogdon (Chair)  
Councillors Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel,  
Kathryn Field, Tom Liddiard and Pat Rodohan

## **AGENDA**

- 1 Minutes of the meeting held on 11 March 2020 (*Pages 3 - 6*)
- 2 Apologies for absence
- 3 Disclosures of interests  
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items  
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

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

- 5A New building for storage of segregated waste materials. Greenacre Recycling Ltd, New Road Industrial Estate, Newhaven, BN9 0HE - LW/839/CM (*Pages 7 - 16*)  
Report by the Director of Communities, Economy and Transport
- 5B Infilling of Old Clay Pit with Inert Material to improve Site Safety, Turning and Storage. The Yard Gate Farm, Northiam Road, Staplecross, TN32 5RP - RR/827/CM (*Pages 17 - 28*)  
Report by the Director of Communities, Economy and Transport
- 6 Any other items previously notified under agenda item 4

#### **NOTES:**

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

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

12 May 2020

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 11 March 2020.

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PRESENT Councillors Richard Stogdon (Chair), Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel, Philip Daniel, Kathryn Field and Tom Liddiard

### 41 MINUTES OF THE MEETING HELD ON 12 FEBRUARY 2020

41.1 The Committee approved as a correct record the minutes of the meeting held on 12 February 2020.

### 42 APOLOGIES FOR ABSENCE

42.1 Apologies for absence were received from Councillor Pat Rodohan. It was noted that Councillor Philip Daniel was acting as a substitute for him.

### 43 DISCLOSURES OF INTERESTS

43.1 Councillor Bob Bowdler declared a prejudicial interest in Item 5 in that he had raised objections to the proposal. He made comments on the proposal as the Local Member and then withdrew from the Chamber for the remainder of the consideration of the Item.

### 44 REPORTS

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

### 45 CHANGE OF USE OF COAL YARD AND EXISTING BUILDING TO A TYRE RECYCLING AND CRUMB AND BALE PRODUCTION FACILITY. SWAN BARN BUSINESS CENTRE, THE COAL YARD, SWAN BARN ROAD, HAILSHAM, BN27 2BY - FOR PYRITE INDUSTRIES LTD - WD/831/CM

45.1 The Committee considered a report by the Director of Communities, Economy and Transport, together with written comments from Councillor Gerard Fox and a press release from the Tyre Recycling Association submitted by the applicant following publication of the report.

45.2 The following people spoke in support of the application:

- Mr Alan Potter, agent
- Mr Mohammed Hashim, Pyrite Industries Ltd, the applicant

45.3 Councillor Bowdler, the Local Member and member of the Planning Committee, spoke against the recommendation, and then left the Chamber during the consideration of the Item.

45.4 Members have considered the report and the comments of the public speakers and Local Member, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

45.5 The Committee voted on the recommendation, with an equal number (three) voting for and against the motion, with the matter RESOLVED on the Chairman's casting vote 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 and documents listed in the Schedule of Approved Plans.

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

3. No processing of material by shredding, baling, colouring or any other means shall take place except between the hours of 08.00 and 16.00 Mondays to Fridays inclusive between October and the end of March, between 08.00 and 17.00 Mondays to Fridays inclusive between April and the end of September and between the hours of 09.00 and 13.00 on Saturdays year-round, and no such works shall take place on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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.

4. Subject to Condition 3, no activities associated with the development hereby approved shall take place except between the hours of 07.30 and 17.30 on Mondays to Fridays inclusive and 09.00 and 13.00 on Saturdays and at no time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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.

5. No machinery or plant other than two shredders, conveyors, two shakers, one baler, forklift moving trucks and one mixer shall be installed or operated at the site without the prior written approval of the Director of Communities, Economy and Transport.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and 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.

6. No waste materials other than tyres and materials extracted from tyres shall be deposited, stored or processed at the site.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development.

7. There shall be no processing of material other than baling of tyres by any means at the site outside of the enclosed areas as set out in the Proposed Site Layout Plan in Appendix 1 of the Supporting Statement V1.5 (dated 19 February 2020).

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 Local Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

8. No operations hereby permitted shall take place prior to the erection of acoustic barriers and acoustic enclosures as specified in the Anderson Acoustic Noise Impact Assessment (reference: 4274\_001R\_12-0\_AG) dated 28 January 2020. The acoustic barriers shall be installed atop the western perimeter wall adjacent to the shredding line and atop the bay wall adjacent to the warehouse building to an overall height of 4.1 metres, and the shredding line shall be fully enclosed as specified. Thereafter the acoustic barriers and acoustic enclosures shall be maintained in accordance with the approved details for the duration of the development.

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 EN27 of the Wealden Local Plan 1998.

9. Following the commencement of the development hereby permitted, the rating noise level at the site shall, at all times, be below the existing background LA90 value noise level at all existing noise sensitive receptors, as determined and reported in accordance with BS 4142: 2014+A1: 2019 (Methods for rating and assessing industrial and commercial sound).

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 EN27 of the Wealden Local Plan 1998.

10. Within three months of the commencement of processing activities (including shredding and baling), a noise survey shall be undertaken in accordance with BS 4142: 2014+A1: 2019 (Methods for rating and assessing industrial and commercial sound) and the results submitted to and approved in writing by the Director of Communities, Economy and Transport. The Survey shall:-
  - a) demonstrate whether the noise levels required by condition 9 are being achieved;
  - b) if the survey does not demonstrate such compliance the report must include measures to reduce noise, which shall first be agreed in writing by the Director of Communities, Economy and Transport, such that the noise levels required by condition 9 will be met;

c)These measures shall be implemented within a time period to be agreed by the Director of Communities, Economy and Transport, and compliance shall be demonstrated by a further noise survey, which must be submitted to and agreed in writing by the Director of Communities, Economy and Transport within a further 3 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 EN27 of the Wealden Local Plan 1998.

## INFORMATIVES

1. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Pollution Control Team of the Environmental Health Department at Wealden District Council.
2. For the avoidance of doubt, any monitoring undertaken of noise levels from the site activities will need to take into consideration all operations, including all processing activities, vehicles accessing the site and housekeeping.

## Schedule of Approved Plans

Location Plan SK 03, Dust Emissions Management Plan V1.1, 4274-001R-12-0-AG - Noise Impact Assessment, PL01 A - Enclosure Elevations, Supporting Statement - Feb 2020 V 1.5, Revised Block Plan SK 02

The meeting ended at 11.40 am.

Committee: **Regulatory  
Planning Committee**

Date: **20 May 2020**

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

Proposal: **New building for storage of segregated waste materials**

Site Address: **Greenacre Recycling Ltd, New Road Industrial Estate,  
Newhaven, BN9 0HE**

Applicant: **Mr James Malyan, Greenacre Recycling**

Application No. **LW/839/CM**

Key Issues:           **(i) Purpose of development**  
                             **(ii) Effect on amenity**  
                             **(iii) Access to culvert and flood risk**  
                             **(iv) Effect on National Park**

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

Local Member: **Councillor Darren Grover**

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## **SUMMARY OF RECOMMENDATIONS**

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

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

### **1. The Site And Surroundings**

1.1 The application site is used as a construction and demolition waste transfer station within the New Road Industrial Estate (also referred to as the North Industrial Estate), off New Road (A26 Trunk Road) in Newhaven. The site comprises buildings and an external yard and occupies the northern and eastern parts of the Industrial Estate. Other industrial units are present on the western and southern sides of the site, including garages and workshops for motor repairs. A car dealer, AMC Cars, is immediately to the south of the application site and shares the eastern access off New Road with the waste transfer station.

1.2 The nearest residential properties are located along a cul-de-sac, also known as New Road, the nearest property being about 16 metres from the transfer station on the opposite side of the A26, with the residential area of South Heighton beyond. A water course (the South Heighton Sewer) is culverted at the north-eastern boundary of the site and traverses the transfer station yard southwards. The land to the north and north-west of the site forms part of the undeveloped area of the Ouse Valley within the South Downs National Park. Part of the northern developed area of the application site also falls within the National Park. The site is within a Flood Zone 3, due to it being within a tidal floodplain of the River Ouse, which flows about 250 metres to the west.

## **2. The Proposal**

2.1 The proposal is for the erection of a building, known as a 'Zapp Shelter', to enable the covered storage of pre-sorted waste, for example, wood and metals, in existing open containers. The applicant has indicated that the covering of the containers is a requirement of the Environment Agency. The building is proposed to be located at the north-eastern boundary of the site, in close proximity to a culvert enclosing the South Heighton Sewer, where the containers are currently located.

2.2 The Zapp Shelter would cover an area of about 154 square metres and would incorporate a domed roof with an end wall facing the eastern boundary fence and hedgerow. It would be secured on modular concrete walls on three sides and stand up to 6.4 metres in height (including 3.2 metres for the walls). The domed structure would comprise steel hoops which would provide a frame to accommodate a tough fabric membrane (involving composite polyethylene).

2.3 The Zapp Shelter is proposed as it is able to be relatively easily dismantled, due to its proximity to the culvert and the requirement of the Environment Agency to be able to access the water course for maintenance purposes, or in the case of an emergency. Originally, the applicant had proposed a pitched roof profiled metal clad building, which the Environment Agency objected to.

2.4 As noted above, part of the northern area of the application site falls within the National Park boundary. However, the proposed building would not be sited within the Park but would be adjacent to it. Despite this, because of the cross boundary nature of the application, a duplicate planning application has been submitted to the National Park Authority for determination.

## **3. Site History**

3.1 Planning permission was granted (ref. LW/767/CM) in 2016 for a change of use of the application site from an industrial unit and yard to a construction and demolition waste transfer station, subject to conditions.



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

- 4.1 Lewes District Council raises no objections.
- 4.2 Newhaven Town Council has not submitted any observations.
- 4.3 Newhaven Enterprise Zone has not submitted any observations.
- 4.4 South Highton Parish Council objects to the proposal as it considers that the proposed building would be closer to the culvert than previously proposed and questions the ability of the building to be removed in the case of an emergency. It also considers that the introduction of an industrial storage unit in this area would contribute to the overdevelopment of the site and lead to an increase in noise and disturbance to nearby residents. The Parish Council also considers that the County Council should not proceed with the application until a duplicate application has been submitted to the National Park Authority.
- 4.5 Environment Agency (EA) raises no objections.
- 4.6 Lead Local Flood Authority ESCC raises no objections.
- 4.7 South Downs National Park Authority raises no objections.
- 4.8 Local representations: Two objections have been received: one on the grounds that the building is near to a culvert and has implications for flood risk, as well as a negative visual effect to residents; and the other on the grounds that there would be more noise, dust and probably lorries.

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

- 5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP6 (Safeguarding waste sites); WMP23a (Design principles for built waste facilities); WMP25 (General amenity); WMP27 (Environment); WMP28a (Flood risk).
- 5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, 2017: Policy SP6 (Safeguarding waste sites).
- 5.3 East Sussex, South Downs and Brighton & Hove Waste and Minerals Schedule of Industrial Estates, 2017: Plan I/B Avis Way / New Road Industrial Estates.
- 5.4 Lewes District Local Plan, Part 1 Joint Core Strategy 2010 – 2030, 2016: Core Policy 12 (Flood risk).
- 5.5 Lewes District Local Plan, Part 2 Site Allocations and Development Management Policies, February 2020: No relevant policies.

5.6 Newhaven Neighbourhood Plan 2017 – 2030, 2019: The site of the proposed building lies outside the Plan area.

5.7 National Planning Policy Framework (NPPF) 2019

The relevant parts are: 12 (Achieving well-designed places), 14 (including flood risk) and 15 (Conserving and enhancing the natural environment).

## **6. Considerations**

### **Purpose of the development**

6.1 The applicant is proposing to install a new building, a 'Zapp Shelter', at the north-eastern corner of the yard. This building would serve as a cover, or shelter, for existing, open containers, which are used for the storage of pre-sorted waste and which the EA now requires under its permitting requirements. No other changes to operations are proposed.

6.2 The site is an existing waste management facility and the proposal has been made to meet enhanced regulatory standards under the EA permit. The Waste and Minerals Plan safeguards the continued use of existing waste sites under Policy WMP6 (and under Policy SP6 of the Sites Plan) and the Plan's Schedule of Industrial Estates has identified the New Road Industrial Estate as one which is suitable for waste management activities. The proposal would seek to improve the way in which the site is operated in waste management terms and is therefore supported by the aforementioned policies.

### **Effect on amenity**

6.3 South Heighton Parish Council and two local residents have raised concerns regarding the effect of the proposal on the amenity of residents. Policy WMP25 of the Waste and Minerals Plan seeks to safeguard the amenity of persons who might be affected by a proposal, for example, through noise, dust or visual intrusion.

6.4 In terms of the potential visual effect, the proposed building would be located at the north-eastern boundary of the site and would be well screened by trees on the northern boundary which adjoins the National Park. The building would be less well screened from the east where the boundary vegetation is thinner in extent. However, this boundary abuts the A26 Trunk Road and the nearest residential properties would be about 40 metres to the south-east of the building. Existing trees along the eastern side of the A26 would also provide some visual screening to the occupiers of these properties. Views of the proposal by occupiers of properties further to the east within South Heighton, would be likely to be screened by intervening trees, or would be seen against existing structures within the industrial estate, due to the elevated nature of the land.

6.5 The proposed building is an industrial building located within an industrial estate and is therefore appropriate in its setting. Moreover, the Zapp

Shelter is a domed structure and untypical of the standard shallow pitched roof sheds, which are common in industrial estates. Consequently, the proposed design is considered to exhibit some architectural interest and, arguably, would introduce a more visually pleasing structure. As such, the proposal complies with Policy WMP23a of the Waste and Minerals Plan and raises no conflict with Policy WMP25 in relation to its effect on visual amenity. It also accords with the provisions of Part 12 of the NPPF.

6.6 It was also noted in the representations that there was the potential for the proposal to result in more noise and dust. On the contrary, as the building would be used to cover an existing operation, the proposal would be likely to result in less noise and dust. As such, it is not considered that there would be any additional adverse effect on amenity resulting from the proposal, thereby complying with Policy WMP25 of the Waste and Minerals Plan.

### **Access to culvert and flood risk**

6.7 The South Heighton Sewer is an open water course on land within the National Park to the north of the application site, which is then culverted as it enters the application site. The EA is responsible for the maintenance of this water course and had objected to the applicant's original proposal for a pitched roof building. This was because the building would obstruct access to the culvert. As the location of the building has been dictated by the location of the existing containers, the applicant has sought to find a structure that could be dismantled relatively quickly if the EA required access to the culvert. The Zapp Shelter is considered by the applicant to serve this purpose and the EA agrees, as it no longer raises an objection.

6.8 The application site is within a Flood-Zone 3 (high risk of flooding) and a flood risk assessment has been carried out by the applicant. The proposal would not result in any increase to the impermeable surface area within the site and there would be no significant increase in risk from flooding either within the site or elsewhere. Moreover, the recent construction of tidal flood defences by the EA in the locality would benefit the site and the wider industrial estate. Both the EA and the Lead Local Flood Authority raise no objections on the grounds of flood risk or drainage and therefore, the development is considered to accord with Policy WMP28a of the Waste and Minerals Plan, Core Policy 12 of the Lewes Local Plan Core Strategy and the provisions of Part 14 of the NPPF.

### **Effect on National Park**

6.9 Part of the northern area of the application site is included within the boundary of the National Park. This area forms part of the existing developed yard of the transfer station and accommodates material stockpiles. The site of the proposed building is outside the Park but is adjacent to it. However, this boundary is well screened by trees from within the Park and there are no readily available public views from this direction into the application site. The building would be used for industrial purposes within the existing transfer station and as such would maintain the *status quo* in terms of the use of the

land. The building would cover open containers and so would be likely to reduce the potential for any dust emissions into the Park, which would be beneficial.

6.10 The Park Authority has raised no objections to the proposal. It is not considered that the development would adversely affect the purposes or interests of the National Park and so raises no conflict with Policy WMP27 of the Waste and Minerals Plan and the provisions of Part 15 of the NPPF.

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

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

7.2 The proposal is for the erection of a new building to act as a shelter for open topped containers housing pre-sorted waste. This is a requirement of the EA and would be a benefit in managing waste at the site. The building would exhibit a domed roof and has the potential to reduce noise and dust emissions from this part of the yard. The building would be sited in close proximity to a culvert but as it could be dismantled relatively easily, access to the water course would be maintained. Although the boundary of the transfer station adjoins the National Park where the building would be located, the development would have no adverse effect on the purposes and interests of the Park.

7.3 Consequently, the proposal complies with Policies WMP6, WMP23a, WMP25, WMP27 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 (including Policy SP6 of the Sites Plan 2017 and Plan I/B of the Schedule of Industrial Estates 2017), Core Policy 12 of the Lewes District Local Plan, Part 1 Joint Core Strategy 2010 – 2030, 2016 and the relevant provisions of Parts 12, 14 and 15 of the National Planning Policy Framework 2019.

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

7.5 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 drawings and documents listed in the Schedule of Approved Plans.

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

#### INFORMATIVE

1. The applicant should contact the Environment Agency with regard to any effects the proposed development would have on the site's Environmental Permit and in relation to works in close proximity to a water course.

#### Schedule of Approved Plans

Planning statement, Flood Risk Assessment, 16615-PL01 - Location Plan, 16615-PL22B- Proposed Storage Shelter Plan, 16615-PL21B - Proposed Elevations, 16615-PL20B - Proposed Site Plan

RUPERT CLUBB

Director of Communities, Economy and Transport  
7 May 2020

#### **BACKGROUND DOCUMENTS**

File LW/839/CM

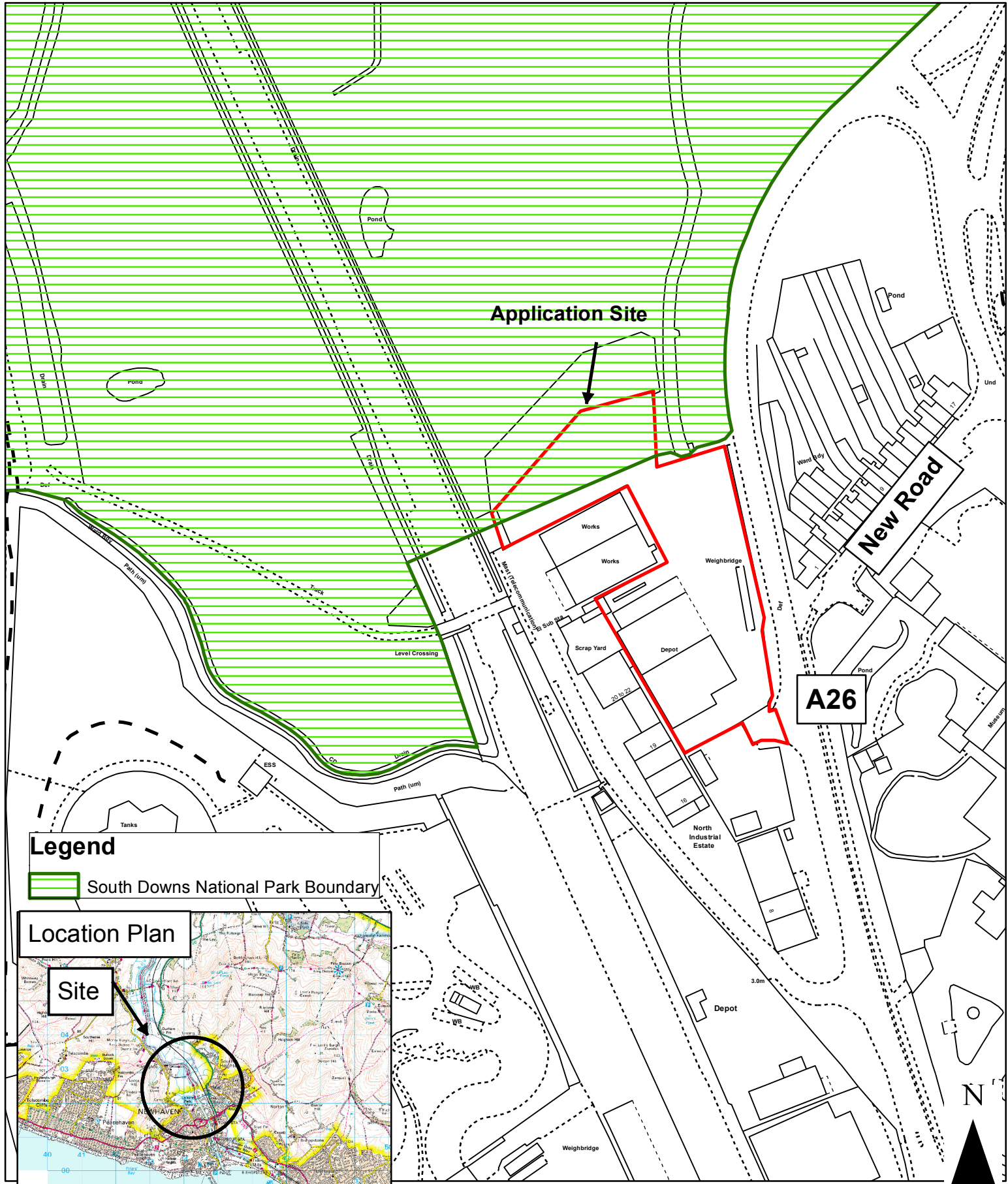
Planning permission LW/767/CM


The Development Plan

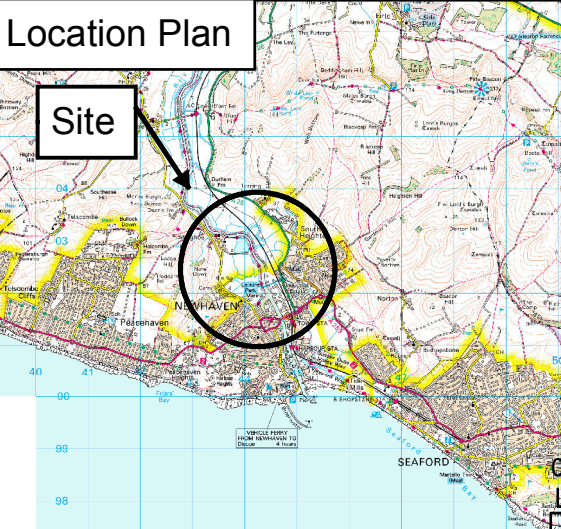
The National Planning Policy Framework 2019

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LW/839/CM  
 Greenacre Recycling Ltd, New Road Industrial Estate,  
 Newhaven, BN9 0HE



**Legend**  
 South Downs National Park Boundary



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Committee: **Regulatory  
Planning Committee**

Date: **20 May 2020**

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

Proposal: **Infilling of Old Clay Pit with Inert Material to improve  
Site Safety, Turning and Storage**

Site Address: **The Yard Gate Farm, Northiam Road  
Staplecross, TN32 5RP**

Applicant: **Mr D. Reed, Chalk Down Lime Ltd**

Application No. **RR/827/CM**

Key Issues: **i) Purpose of the Development  
ii) Impact on Amenity  
iii) Highway Matters  
iv) Effect on AONB Landscape & Ecology**

Contact Officer: **Miss Kiran Sajjan Tel. 01273 481595**

Local Member: **Councillor Angharad Davies**

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## **SUMMARY OF RECOMMENDATIONS**

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

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

### **1. The Site And Surroundings**

1.1 The Yard at Gate Farm is located to the east of Staplecross Village and is accessed from Northiam Road (B2165) via a narrow lane called Ellenwhorne Lane. The site is surrounded by agricultural land to the south, east and west. Residential properties situated on Northiam Road are located opposite the site to the north. Dense vegetation screens the site to the north and west.

1.2 The site is currently operated as a builder's yard with several buildings on site. The site office is located in the north-east, adjacent to the access. A weatherboard clad building currently used as a workshop is located in the

south of the site. Planning permission was granted by Rother District Council in 2017 for the erection of an additional storage building immediately to the west of the existing building. This additional building has not yet been erected. A smaller timber storage shed is located within the centre of the yard, and two further metal storage containers within the south-western corner. Three outdoor bays, used for the storage of sand and other aggregates, are located along the south-western boundary. The north-west of the yard comprises an unused pit, which is the subject of this application.

1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (AONB) and within an Archaeological Notification Area (Gate House Farm, Northiam Road: Historic Farm).

## **2. The Proposal**

2.1 The proposal is to infill an historic clay pit which, in more recent years, has functioned as a pond. The pit forms part of an operational builder's yard and currently constrains operations leaving a portion of the yard unusable and a potential safety risk to visitors and staff.

2.2 The area proposed to be infilled is approximately 710 square metres in size. The pit would be filled with inert waste soil in layers, and would be finished with MOT (a granular sub-base material) or crushed concrete. The levels would be built up to match those of the existing yard. The depth of the pit at its deepest point is approximately 6 metres. The applicant has estimated that in the region of 2,860 m<sup>3</sup> of compacted material would be required for fill, to the level of the surrounding yard. It has been calculated that this would equate to between 9,500 tonnes and 10,500 tonnes of waste soils to be imported to the site.

## **3. Site History**

3.1 The site does not have any previous County Planning history. However, several permissions have been granted by Rother District Council, of which the most recent permission is for the erection of a building to house the existing batching plant and machinery (ref. RR/2017/821/P granted June 2017).

## **4. Consultations and Representations**

- 4.1 Rother District Council - Raises objections on the following grounds:
- i. The old clay pit is identified as a pond in the High Weald Management Plan 2019-2024 and is a key characteristic of the landscape. The Council considers that the loss of the pit would have a harmful visual impact on the rural area and wider landscape character and appearance of the AONB.
  - ii. Expansion of the yard would harm the outlook and create disturbance to neighbouring residential properties to the north.
  - iii. No ecological surveys have been undertaken. It is considered that the infilling of the depression would fail to retain, protect or enhance a

natural habitat of ecological interest and would have a harmful impact on biodiversity in the area.

- 4.2 Ewhurst Parish Council - supports the proposal.
- 4.3 Highway Authority – considers the proposal to be acceptable subject to the full implementation of the submitted Traffic Management Plan.
- 4.4 Environment Agency – No response received.
- 4.5 Lead Local Flood Authority – Wishes to make no comments.
- 4.6 High Weald AONB Unit – objects to the loss of the pond on the grounds that it is an historic feature of the AONB with the potential to be restored as a valuable habitat. The Unit considers that its loss would therefore be contrary to Objective G1 of the High Weald AONB Management Plan. It also raises concerns relating to the pond having potential for providing habitat for great-crested newts (GCN) and rare invertebrates.
- 4.7 Local Representations – one representation has been received in support of the proposal stating that the proposal would improve safety at the site and praise is given to a well run company.
- 4.8 A response in support of the proposal has been received from Councillor Angharad Davies which states that the infilling of the pit would be of benefit as there is considerable safety risk around the clay pit at present.

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

- 5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policies: WMP3b (Turning Waste into a Resource); WMP8b (Deposit of Inert Waste on Land for Beneficial Purposes); WMP17 (Restoration), WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP27 (Environment and Environmental Enhancement).
- 5.2 Rother Local Plan Core Strategy 2014: Policies: EN1 (Landscape Stewardship) and EN5 (Biodiversity and Green Space).
- 5.3 High Weald AONB Management Plan 2019-2024: Objective G1 (To restore the natural function of river catchments).
- 5.4 National Planning Policy Framework (NPPF) 2019: Part 15 (Conserving and enhancing the natural environment) is of most relevance as this section gives great weight to conserving Areas of Outstanding Natural Beauty.
- 5.5 National Planning Policy for Waste (NPPW) 2014

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

## **6. Considerations**

### **Purpose of the Development**

6.1 Policy 3b of the Waste and Minerals Plan states that proposals should accord with the Waste Hierarchy. Policy WMP8b of the same Plan permits the deposit of inert waste, subject to other relevant Plan policies, where it is demonstrated that, *inter alia*, the proposal would significantly enhance other development or its setting; and that the resulting final landform, landscape and after use enhances the environment, including landscape character, and that a minimum volume of inert material is used to achieve necessary improvements.

6.2 Planning permission is sought to infill a depression, which is likely to be an old clay pit, within an existing builder's yard to improve the functionality and use of the yard. The applicant has stipulated that due to the location and the steep banks of the depression it poses a danger to visitors to the site and staff. Options to erect a physical barrier around the pit have been investigated, however the applicant considers that in order to allow sufficient turning space for vehicles within the yard and enhance the business, infilling would be the most practical option both in terms of safety and improving the use of the yard space.

6.3 The use of inert waste materials to improve the yard for business purposes, in this instance, would deliver an appropriate improvement to the use of the site as a builder's yard and would effectively contribute to the diversion of waste from landfill in accordance with the waste hierarchy. The applicant considers that the proposal would negate the difficulties experienced in using the yard to its full potential as it would allow safe turning areas for delivery lorries and mixers, safe access to perimeter hedges and fences of the site for maintenance and provide additional storage and visitor parking areas.

6.4 Overall, it is considered that the proposal complies with Policies WMP3b and WMP8b and the infilling of the pit would provide an improvement to the use of the yard.

### **Impact on Amenity**

6.5 Proposals should not pose an unacceptable risk to the environment or adversely impact amenity (WMP25). Policy WMP17 of the Waste and Minerals Plan also requires proposals for land disposal activities to be accompanied by a scheme of restoration and aftercare, which will maximise benefits and enhancements and are in keeping with local landscape character and distinctiveness.

6.6 The site of the clay pit is screened by vegetation on its northern and western boundaries, this screening would be retained. Therefore, properties located opposite the site on Northiam Road have limited views of the site. Bringing the pit area level with the rest of the yard would essentially be expanding the yard area, however it is considered that this would have a limited impact on the amenity of the nearby properties as the pit area has been included as part of the operational curtilage of the site for many years.

6.7 As the yard is all hardstanding and has been like this for sometime, the clay pit looks unnatural within its setting and therefore the proposal would make the pit area of the yard more cohesive with the surrounding land use. As a working builder's yard, there is an existing element of noise present; this may increase from the infilling activities, although the impact would be short term. The applicant anticipates the construction phase would last approximately 2-3 months.

6.8 Overall, it is considered that the proposal would have, at worst, a negligible impact on the amenity of neighbouring properties in the long term, and any disturbance would be limited to the construction period.

### **Highway Matters**

6.9 Policy WMP26 of the Waste and Minerals Plan states, *inter alia*, that proposals will be permitted where access arrangements are appropriate or could be made suitable for the volume and nature of traffic generated by the proposal; no unacceptable safety hazards for other road users would be generated and where there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas.

6.10 At present, the site receives large lorry deliveries regularly. The proposal would increase the number of lorries visiting the site during the construction phase. The total vehicular trips anticipated to facilitate the development would be in the region of 500-600 loads delivered to the site. A maximum of 30 vehicles per day (60 two-way movements) during the construction period is considered to be acceptable. However, the applicant expects that the number of vehicle movements per day would be closer to 15 (30 two-way movements), to allow for appropriate control and compaction of materials and to also ensure that the existing business can continue to function as normal during the construction phase.

6.11 The site is accessed off Ellenwhorne Lane via Northiam Road, with access located approximately 5 metres to the south of the junction. Given the close proximity of the site access to the junction, it is likely that the turning manoeuvre would be tight. An increase in large vehicles (20 tonne rigid lorry) at this junction could compromise the safety of users of the highway. Upon request by the Highway Authority, the applicant has submitted tracking drawings which indicate that large vehicles would be forced to overrun the opposite side of the carriageway when turning left onto Northiam Road when leaving the site. Due to the alignment of the road, on a bend, the forward visibility for vehicles approaching from the west is restricted.

6.12 The applicant has subsequently submitted a Traffic Management Plan (TMP) which includes measures to manage deliveries arriving and departing the site. Some of the measures that would be implemented include warning signs on approach and the use of appropriately trained operatives using Stop/Go boards deployed with 2 way radio contact every time a delivery arrives/departs. These measures would allow vehicles associated with the infilling of the pit to safely access the site without compromising the safety of users of the highway.

6.13 Overall, the Highway Authority raises no objection to the proposals in the TMP and providing that construction traffic is managed appropriately the proposal is considered to comply with the Policy WMP26 of the Waste and Minerals Plan.

### **Effect on AONB Landscape and Ecology**

6.14 The application site falls within the High Weald AONB, where Policy WMP27 of the Waste and Minerals Plan and Policy EN1 of the Rother Local Plan Core Strategy, seek to conserve and enhance its character and environment. Part 15 of the NPPF also requires proposals to demonstrate that protection and enhancement is given to valued landscapes and for great weight to be given to the conservation of landscape and scenic beauty. In addition, Policy EN5 of the Rother Local Plan Core Strategy seeks to, *inter alia*, ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features. The emphasis on water features relates to improving resources and preserving and enhancing habitats. Objective G1 of High Weald Management Plan seeks to restore and enhance the role and natural function of water bodies and the pit is identified as a pond within this Plan.

6.15 The landscape character of the area surrounding the pit is influenced by the proximity of the builder's yard. It is considered that the pond is not rural and unspoilt and does little to contribute to local landscape character or views. Public views into the yard are limited and restricted to those from Northiam Road and Ellenwhorne Lane. From Northiam Road, the pit and other ponds within the area can be glimpsed through gaps in the roadside hedge.

6.16 Ponds are identified as key characteristic features in the High Weald AONB Management Plan which states that these features should be conserved and enhanced. The pit was once surrounded by vegetation, but has been cleared in recent years, and vegetation cover in this area is now poor, limited to some remaining common reed in the centre of the pit. The boundary planting to the north and west of the pit would be retained as part of the proposal.

6.17 On balance, in considering the location of the pit subject of this application, it is noted that its setting would always be compromised by the surrounding land use and therefore the proposal to infill it would have a

negligible impact on the wider AONB landscape and views. The pit remains dry throughout the year and only fills with water after periods of wet weather. It is however considered that through the scope of this application, the trees and vegetation along the boundaries of the site should be protected and retained to continue to screen the site from public views.

### *Ecology*

6.18 The High Weald AONB Management Plan identifies ponds as landscape features which support significant species, such as great crested newts (GCN). There are a series of ponds to the north, south, east and west of the site, and there are at least two records of GCN within 500 metres of the site. Therefore, there is high potential for GCN to be present on site. No biodiversity information was submitted with the application, however upon request from the County Ecologist the applicant was requested to carry out a Habitats Suitability Index as a minimum requirement to identify whether the application site is a suitable habitat for GCN.

6.19 The Habitats Suitability Index report records that the pit forms part of a network of water bodies suitable for GCN, most of which have GCN present. No GCN were recorded on site at the time the survey was undertaken. The report concludes that breeding newts are known to be present in the nearest pond located 50m to the north, as well as other ponds within the area. Although the condition of the pit has deteriorated due to the surrounding land use, GCN may occur there on an occasional basis. In order to protect GCN, the applicant has proposed to implement Reasonable Avoidance Measures (RAMS) for GCN during the construction phase. RAMS would involve detailed searching of all the habitats within the area to be filled in and could involve the use of physical barriers where necessary, by a licenced great crested newt surveyor.

6.20 The County Ecologist considers the proposal to carry out the development with RAMS in place to be acceptable. An appropriate pre-commencement condition would be included with any grant of planning permission to request a full method statement for the protection of GCN.

## **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 Planning permission is sought to infill an historic clay pit to include the area as part of the operational area of the builder's yard in which the pit lies within. The infilling of the pit would improve the safety on site for both staff and visitors and allow safe turning areas for delivery lorries. Although the proposal would lead to the loss of a pond, as classified within the High Weald AONB Management Plan 2019-2024, the condition of the pond has deteriorated over the years due to the surrounding land use. It is considered

that the proposal complies with Policies WMP3b, WMP8b, WMP17, WMP25, WMP26, and WMP27 of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan 2013 and Policies: EN1 and EN5 of the Rother District Local Plan Core Strategy 2014.

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

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

## **8. Recommendation**

8.1 To recommend the Planning Committee to grant planning permission subject to the following conditions:-

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

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

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

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

3. No development shall take place (including any demolition, ground works and site clearance) until a method statement for avoidance of harm to great crested newts has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The content of the method statement shall include the:

- a) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

- b) extent and location of proposed works shown on appropriate scale maps and plans;

- c) timetable for implementation, demonstrating that works and activities set out within the Method Statement are aligned with the proposed phasing of infilling the pit;

- d) persons responsible for implementing the works;

- e) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.



Reason: To protect species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

4. All trees and hedgerows around the boundaries of the site and along the fence line, including the roadside hedge as identified on the Location Plan (drawing no. 918/19/CPL/02) shall be retained and protected in accordance with BS 5837:2012 - Trees in Relation to Design, Demolition and Construction. In the event that any such trees or hedgerows are removed or seriously damaged as a result of infilling activities, they shall be replaced in the next planting season following completion of development, in accordance with details which are first submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity of users of Northiam Road and residential properties located opposite the site on Northiam Road, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

5. All measures detailed within the approved Traffic Management Plan (Rev A April 2020) shall be implemented in full and maintained during the construction phase of the development.

Reason: To ensure safety of persons using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

#### Schedule of Approved Plans

Supporting Statement, 918/19/CPL/01 - Block and Sections, 918/19/CPL/02 - Location Plan, Planning Statement, ECOLOGICAL SCOPING SURVEY 19th December 2019, 918/19/CPL/02 Rev A - Turning area and location of traffic signs, 918/19/CPL/03 Rev A - Vehicle Movements (tracking), Rev A April 2020 - Traffic Management Plan

RUPERT CLUBB

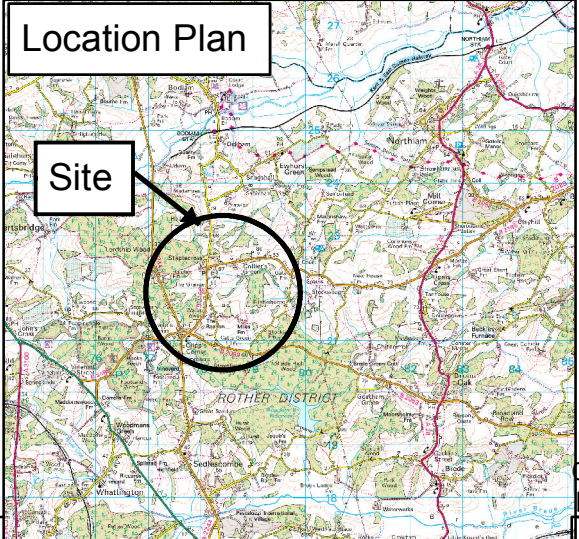
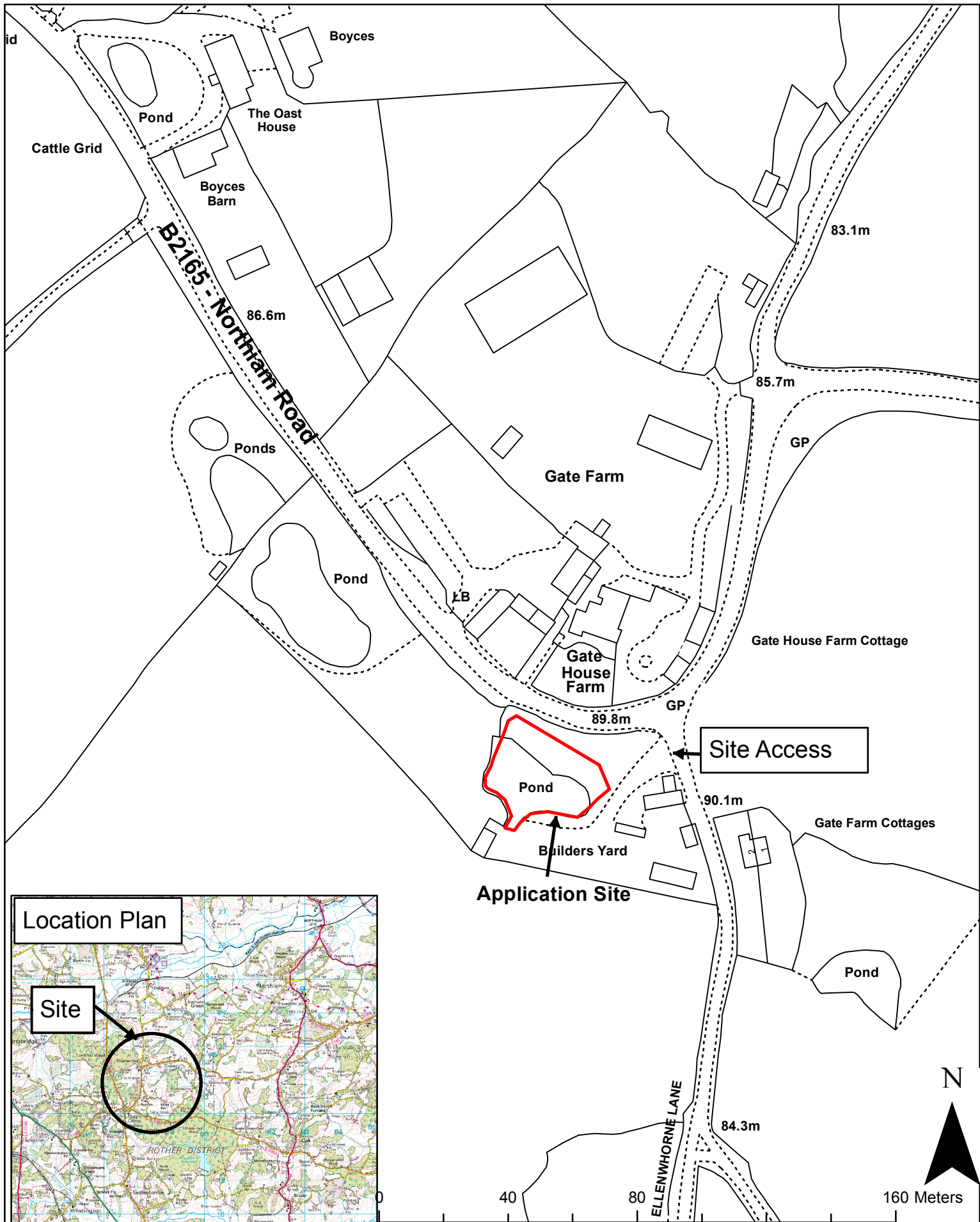
Director of Communities, Economy and Transport  
7 May 2020

#### **BACKGROUND DOCUMENTS**

Application file RR/827/CM  
The Development Plan

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**RR/827/CM**  
**The Yard Gate Farm, Northiam Road, Staplecross**  
**TN32 5RP**



160 Meters

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