



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.30 am WEDNESDAY, 14 OCTOBER 2020

++Please note that this meeting is taking place remotely++

COUNCIL CHAMBER, COUNTY HALL, LEWES

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 20 May 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.
- 5 Development Management Update (*Pages 7 - 36*)
Report by the Director of Communities, Economy and Transport

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

- 6 The demolition of Block EFAA (the main school building) and Block EFAD, and the construction of a replacement main school building as well as temporary accommodation blocks to be used during the construction period. Claverham Community College, North Trade Road, Battle TN33 0HT - RR/3420/CC (*Pages 37 - 56*)
Report by the Director of Communities, Economy and Transport
- 7 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) *NOTE: 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. The live broadcast is accessible at: www.eastsussex.gov.uk/yourcouncil/webcasts/default.htm*

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

6 October 2020

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

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 20 May 2020.

++ Please note, the Members of the Committee were not present in person, but took the decisions remotely ++

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

1 MINUTES OF THE MEETING HELD ON 11 MARCH 2020

1.1 The Committee confirmed the minutes of the meeting held on 11 March 2020 as a correct record.

2 DISCLOSURES OF INTERESTS

2.1 Councillor Kathryn Field declared a personal interest in Item 5B as an Executive Member of Rother District Council, one of the objectors, but she did not consider this to be prejudicial.

3 REPORTS

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

4 NEW BUILDING FOR STORAGE OF SEGREGATED WASTE MATERIALS. GREENACRE RECYCLING LTD, NEW ROAD INDUSTRIAL ESTATE, NEWHAVEN, BN9 0HE - LW/839/CM

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

4.2 Members agreed that in the letter to accompany the decision notice to the applicant's agent, reference should be made to protecting the boundary hedgerow while works are carried out to the building.

4.3 Members have considered the report and agree with the conclusion and reasons for recommendation as set out in at paragraph 7 of the report.

4.4 RESOLVED by six votes to one to grant 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

5 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

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

5.2 Councillor Angharad Davies, the Local Member, spoke in support of the application.

5.3 Members proposed and agreed an amendment to Condition 4, to replace "seriously damaged" with "significantly damaged".

5.4 Members have considered the report and comments of the Local Member and agree with the conclusion and reasons for recommendation as set out in at paragraph 7 of the report, together with the amendment at Minute 5.3.

5.5 RESOLVED to grant 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 significantly 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

The meeting ended at 11.35 am.

ChairPresentList
Chair

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Committee	Regulatory Planning Committee
Date	14 October 2020
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to: (i) enforcement and site monitoring, undertaken under delegated powers for the nine months period between 1 January and 30 September 2020; (ii) appeals; and (iii) development management performance for the period 1 April 2019 to 31 March 2020, and 1 April 2020 to 30 September 2020.
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

Note: Due to the Covid-19 Pandemic and previously cancelled meetings, this report covers the three quarters from 1 January to 30 September 2020, inclusive.

1. Enforcement

1.1 In the period between 1 January and 30 September 2020, inclusive, there were fifty three new complaints about alleged breaches of planning control. Of the new cases, forty were resolved within the reporting period and eight older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2020 was eighteen. This represents an increase of five in the number of cases that were outstanding at the end of the previously reported period (October 2019 – December 2019).

1.2 Whilst there has been a moderately small increase in the number of outstanding enforcement cases, this is considered to be remarkably low given the unprecedented situation regarding the Covid-19 Coronavirus Pandemic. The Pandemic has impacted on how cases are dealt with and has, undoubtedly, resulted in delays to cases being progressed and investigated. Nevertheless, cases have been investigated and progressed where possible. All site visits are subject to a risk assessment and officers are required to maintain social distancing and utilise personal protective equipment as necessary.

1.3 Despite the ongoing Pandemic, it has still been necessary to continue to use formal enforcement powers. Following a complaint regarding ongoing unauthorised waste wood processing at Holley's Woodshaving, Palehouse Common, a Temporary Stop Notice was served in order to stop the activity. Due to circumstances, it was decided to use a High Court Enforcement Agency to assist with the service of the Notices and this was successfully executed. Whilst the decision to serve a Temporary Stop Notice is not taken lightly, it was considered necessary to do so and was successful in this instance. Following the service of the Notice the site has been monitored and no further formal action has been required.

1.4 Appendix 1 of this Report provides details of cases resolved and received within the period 1 January and 30 September 2020, 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 General site monitoring of minerals and waste sites, both chargeable and non-chargeable, has on the whole been suspended due to the Pandemic. Some development sites have required monitoring, such as the Newhaven Port Access Road, and this has been undertaken where possible. It is not yet clear when a full site monitoring regime will resume.

3. Appeals

3.1 Three new appeals have been received since January 2020. The first two relate to Appletree Cottage, Staplecross and the Council's decision in December 2019 to (i) refuse planning permission for the retention of waste materials in an area of woodland, within the High Weald Area of Outstanding Natural Beauty, and (ii) against the service of an Enforcement Notice requiring the removal of the waste materials and the restoration of the site. In terms of the enforcement appeal, the grounds of appeal were (a) that planning permission should be granted and (f) that the steps required by the notice were excessive. The appeals were linked and dealt with through the written representations procedure. Both appeals were dismissed, although the Inspector varied the time for compliance with the Enforcement Notice from November 2020 to November 2021, which was to allow the works to be carried out during periods which would avoid potential harm to protected species taking into account restrictions due to the Pandemic. Copies of the Inspector's Decisions can be found at Appendix 2 of this report.

3.2 The third appeal is in relation to the refusal of planning permission for a waste wood recycling operation at Holley's Woodshaving, Squires Farm Industrial Estate, Palehouse Common. This application was refused by the Planning Committee in February 2020. The appeal is being dealt with through the written representation procedure and the initial questionnaire has been submitted and third parties notified of the appeal. Members will be updated on progress 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 performance on non-major planning applications, the threshold for which is 70%. 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 non-major County Council developments (Regulation 3) will not be included in the performance figures measured by the Government, although we continue to monitor and report on our own performance.

4.3 In terms of performance, for the period April 2019 to March 2020 (inclusive) 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. With respect to the Government measures regarding performance for major applications (in this instance County Matters), the outturn figure for the 24 months ending June 2020 was 96.6% of major applications determined within the relevant timescale, which is well above the current 60% threshold.

4.4 Despite impacts due to the Pandemic, work levels have remained relatively constant by comparison. The table below sets out the number and types of applications/queries dealt with for the financial year 2019/20 and the first six months of 2020/21.

Type	2019/2020 (12 months)	2020/2021 (6 months)
County Council applications determined	18	8
County Matter applications determined	13	3
Applications withdrawn	6	2
Non-material amendment applications determined	7	4
Lawful Development certificates	1	0
Prior Notification	1	0
Formal Pre-Application Advice	10	9
“Do I need planning permission” requests	27	11
Minerals/Waste Safeguarding and other consultations	19	14

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 Sarah Iles.

RUPERT CLUBB
 Director of Communities, Economy and Transport
 06 October 2020

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 2020

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
1/1	July 2015	Holley's Yard, Squires Farm Industrial Estate, Palehouse Common, Easons Green	Importation, deposit and storage of waste wood	<p>This matter originally came to the Council's attention in 2012 when an operator imported a significant quantity of waste wood into this site and then vacated the site without clearing the waste wood. The Environment Agency led matters and 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. The other director was arrested on a warrant and was sentenced at Lewes Crown Court to twelve months imprisonment. With both convictions, there was no requirement for the Directors to pay for the costs of clearing the land. Consequently, the waste wood remained on the site.</p> <p>The County Council became involved in the site again in 2015 and, in order to protect the Council's position and to avoid the unauthorised waste use becoming lawful, 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. The waste wood was not removed from the site within the period specified in the Enforcement Notice and officers worked with the landowners in order to reach a satisfactory solution.</p> <p>A planning application (WD/820/CM) which sought to address the waste wood stockpile on the site was submitted in March 2019, but this was subsequently withdrawn by the applicant in September 2019. A second planning application (WD/836/CM) was submitted in October 2019, but was refused by the Planning Committee in February 2020. A further planning application (WD/842/CM) has now been submitted and is currently under consideration.</p> <p>Notwithstanding the position with the planning applications, officers were contacted by the landowner's agent and advised that the requirements of the Enforcement Notice had been complied with. A site visit was carried out which confirmed that the historic waste wood had been removed from the area of the yard covered by the Enforcement Notice.</p> <p>For the purposes of this case, the Enforcement Notice has been complied with and no further enforcement action is required.</p>
1/2	July 2019	Unit 8 Quarry Road Industrial Estate, Newhaven	Importation, deposit and breaking up of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into and deposited at the site, before being broken up for parts. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint. During this visit a meeting was held with the operator who confirmed that some vehicle breaking was taking place on the site.</p>

				<p>A timescale was agreed with the operator in order to clear the site of the end of life vehicles and, following the expiry of the timescale, officers from both the County Council and the Environment Agency undertook a joint site visit and held another meeting with the operator. Although the operator had not totally cleared the site, it was noted that significant progress had been made. A further timescale was agreed with the operator for him to complete the clearance of end of life vehicles.</p> <p>Officers continued to monitor the site and the operator has now cleared the end of life vehicles from the site and ceased breaking vehicles for their recyclable parts. The breach of planning control has therefore been resolved and no further action is required.</p>
1/3	August 2019	Pyrite Industries, C13 S.M. Tidy Industrial Estate, Ditchling Common	Breach of Conditions (processing outside the building and storage of waste)	<p>Officers attending the site in connection with another matter noticed that the site was not in compliance with planning conditions that are attached to the planning permission relating to the site. However, because the operator was at the time seeking planning permission for an alternative site in another area of the County it was decided not to institute formal enforcement action immediately, because should that planning application be successful, then the operator would be moving the operation from this site.</p> <p>The operator was therefore advised that the County Council would await the outcome of the planning application, but should the application be unsuccessful, then the County Council would expect the site to be returned to compliance with the planning conditions, or an application submitted seeking to regularise the changes that had taken place on the site. The planning application (WD/818/CM) for the alternative site was withdrawn by the applicant on 5 July 2019.</p> <p>The operator submitted a further planning application (WD/831/CM) for another site in East Sussex. Initially this was to be determined by the Planning Committee in January 2020 but was deferred to enable the applicant to propose further mitigation measures. The planning application was subsequently approved by the Planning Committee on 11 March 2020.</p> <p>The new site has recently been visited and works to prepare the site for operation are progressing well. Once the pre-occupation works have been completed, the operator will relocate to this new site, which will resolve the breach of conditions at the existing site. Given the significant progress that has been made on preparing the new site, it is not considered expedient at this time to take any further enforcement action. Should the relocation to the new site not go ahead, the case will be re-opened and investigated.</p>
1/4	September 2019	ATW Clearances, Quarry Road Industrial Estate, Newhaven	Unauthorised Waste Transfer Station	<p>A complaint was received alleging that a waste transfer operation was being run from the site. A site visit was carried out which confirmed the substance of the complaint. It was noted that a significant quantity of household waste was stored in the warehouse, and further waste was stored in a skip outside the building, and on two flatbed Ford transits parked in the yard outside the building. At the time of the initial site visit no one was present on site. Contact was subsequently made with the operator and a formal letter sent to him. Following a response from the operator and further discussions, a timescale for the site to be cleared and vacated was agreed.</p> <p>A final site visit has now been carried out, which confirmed that the site has been totally cleared by the operator and vacated. The breach of planning control has therefore been resolved and no further action is required.</p>

1/5	September 2019	Land adjacent to Kings Hill Bungalow, Hurst Green	Importation and deposit of soils	<p>A complaint was received that a significant quantity of soil has been imported into a field at this location. A site visit was carried out which confirmed the substance of the complaint. A letter was sent to the landowner and discussions undertaken. The landowner intended to use the soil, together with other materials from within their land, to create a bund and wildflower meadow and infill a ha-ha at the property. However, following discussions with Rother District Council, it was not considered that the various proposals could be supported. Alternative proposals were considered by the landowner, but not pursued.</p> <p>A further site visit has now been carried out, which confirmed that the soil had been removed from the site. The breach of planning control has therefore been resolved and no further action is required.</p>
1/6	October 2019	Land to the rear of Mead Cottage, Crowhurst Road, Catsfield	Importation, deposit and burning of waste	<p>A complaint was received that waste was being imported into this site and burnt. Numerous site visits have been carried out over a period of time and no evidence has been found to support the complaint.</p> <p>No breach of planning control identified, and no further action is required.</p>
1/7	December 2019	Reef Way, Hailsham, Site of SEMH school	Breach of Conditions (Noise and mud on the highway)	<p>A complaint was received that the site was not being developed in accordance with the conditions attached to the Planning Permission that relates to the site (WD/3400/CC).</p> <p>A site visit was carried out and discussions held with the contractor. The works undertaken are enabling works and the contractor has been reminded of the conditions attached to the planning permission.</p> <p>Further monitoring visits were undertaken and no breaches of planning control identified. No further enforcement action is required.</p>
1/8	December 2019	Ace Recovery, Downs Villas, South Heighton	Importation, deposit, storage and processing of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site and broken up. An initial site visit was undertaken which confirmed the details contained within the complaint. A joint site visit with an officer from Lewes District Council was then undertaken and a meeting held with the operator, who stated that it was his intention to submit a planning application to regularise the activity.</p> <p>A timescale was agreed for the preparation and submission of an application. Following the expiration of the timescale, no application had been received so a further site visit was undertaken. This further visit identified that there were no end of life vehicles on site and nothing to suggest that vehicles were being broken up for parts any more.</p> <p>Contact was made with the operator who stated that he had ceased the breaking up of vehicles for parts and instead had changed the focus of his business to the selling of vans and the servicing of vehicles.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2020 AND RESOLVED

	DATE LPA BECAME	SITE	NATURE OF CASE	CURRENT POSITION
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	AWARE OF BREACH			
2/1	January 2020	Unit 24 Granary Business Centre, Broad Farm, Hellingly	Importation and breaking of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, recyclable parts removed and then the remaining body shell scrapped. Offices made several visits to the site and did not see any evidence to support the complaint.</p> <p>No breach of planning control identified and no further action required.</p>
2/2	January 2020	Allied Waste Management, Squires Farm Industrial Estate, Easons Green	Breach of Conditions (outside loading of waste)	<p>A complaint was received that waste was being loaded into a skip outside of the waste transfer building, which if true, was a breach of Condition 4 of the planning permission that relates to the site (WD/737/CM).</p> <p>An unannounced site visit was undertaken by officers and a meeting held with the operators. The attending officer was shown security footage for the relevant time period alleged in the complaint, which clearly showed that no waste was being loaded into a skip outside the building. The footage showed a telehandler had been used to move an empty skip in the yard, which is not in breach of the relevant condition.</p> <p>No breach of planning control and no further enforcement action is required.</p>
2/3	January 2020	Units 9/10 Avis way, Newhaven	Importation and deposit of waste (Trommel fines)	<p>The landowners of this site, Lewes District Council, discovered that the padlock to the gates of the site had been removed and approximately 15 lorry loads of shredded waste had been deposited in the open areas of the site. The matter was reported to this Authority and a site meeting was held with officers from Lewes District Council.</p> <p>A subsequent site visit has been undertaken, which confirmed that all the imported waste materials have now been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>
2/4	January 2020	Reef Way, Hailsham Site of SEMH school	Breach of Conditions (Construction Management Plan)	<p>A complaint was received which stated that there was a breach of the construction management plan, which is incorporated into Condition 7 attached to the planning permission (WD/3400/CC) that relates to the site.</p> <p>Officers discussed the matter with the site manager and undertook an unannounced site visit. This found no breaches of the planning conditions that relate to the site.</p> <p>No breach of planning control identified and no further action is required.</p>
2/5	January 2020	Hamsell, The Forstal, Eridge Green	Importation and deposit of waste (soils)	<p>A complaint was received that waste soils were being imported into and deposited at this site. A site visit was carried out which appeared to confirm the substance of the complaint. A joint site visit was then arranged, involving Wealden District Council, the landowner and the operator.</p> <p>The landowner explained that most of the soils were generated from approved developments within the site and the soils were deposited on the land to restore the land for agricultural purposes, and to maintain/repair the access track.</p>

				<p>It was deemed that the repairs to the access track were permitted development and as the deposits of soils had not materially raised the ground levels, and were for the benefit of agriculture, were also considered to be permitted development and therefore did not require express planning permission.</p> <p>No further action required by this Authority.</p>
2/6	January 2020	Allied Waste Management, Squires Farm Industrial Estate, Easons Green	Breach of Conditions (Approved Plans)	<p>A complaint was received that unauthorised development was taking place at the site by means of an extension to the open yard.</p> <p>The operators had, prior to the receipt of the complaint, contacted the County Council to advise that the site expansion would be taking place, and that this did not require a new planning permission as the site extension had already been covered in their original planning permission for the site (WD/737/CM).</p> <p>Officers visited the site and compared the extension of the yard to the approved plans for the planning permission for the site. It was found that the extension to the yard corresponded with the approved plans and was, therefore, covered by the extant planning permission for the site.</p> <p>No breach of planning control and no further enforcement action required.</p>
2/7	January 2020	Restharrow, Moat Lane, Sedlescombe	Importation and deposit of waste (soils)	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited.</p> <p>A joint site visit was arranged with an officer from Rother District Council, during which a meeting was also held with the landowner/operator. He stated that the soils were imported in conjunction with a housing development that has the benefit of planning permission from Rother District Council.</p> <p>The matter is being reviewed by Rother District Council to see if the housing development permission allows for this importation of soils. If not, Rother District Council has indicated that it will either request the landowner to submit an application seeking to regularise the deposit of soils, or require the removal of the imported materials.</p> <p>There is no further action required by this Authority in its capacity as Waste Planning Authority.</p>
2/8	January 2020	Reef Way, Hailsham Site of SEMH school	Breach of Condition (noise, vehicle movements and mud on the road)	<p>A complaint was received alleging that works at the site were causing excessive noise, lorries were parking in Reef Way and mud was being left on the road.</p> <p>A site visit was carried out and discussions held with the site manager. No vehicles associated with the development were observed parked in Reef Way. A wheel-wash was being used on the site and there wasn't any mud on the road. No excessive noise was detected at the time of the site visit. Following the site visit, a visit was made to the complainant, who was advised of the outcome of the officers' investigation.</p> <p>Following the initial complaint and site visit, numerous monitoring visits were undertaken. No breaches of planning control were identified and no further enforcement action is required.</p>

2/9	January 2020	Units 7a & 7b Quarry Road Industrial. Estate, Newhaven	Importation, deposit and breaking of end of life vehicles	<p>A complaint was received that end of life vehicles were being imported into the site, recyclable parts removed and then the remaining body shell scrapped.</p> <p>A joint site visit was undertaken with an officer from Lewes District Council and no end of life vehicles were found on the site. A meeting was also held with the operator, who stated that he sells vehicles on various internet pages and exports vehicles to Poland.</p> <p>No breach of planning control identified and no further enforcement action required.</p>
2/10	January 2020	Green Lanes Farm, Camberlot Road, Lower Dicker	Importation and deposit of waste materials	<p>A complaint was received by Wealden District Council that waste materials were being imported into the site and deposited. A joint site visit with officers from Wealden District Council was undertaken and a meeting held with the landowner and the landowner's planning agent.</p> <p>During the meeting the landowner explained that no waste had been imported into the site recently, it had all been imported many years ago and she was trying to clear the site of this material, which had meant that the materials had to be moved around the site to allow access for vehicles to remove it. The landowner confirmed that some end of life vehicles had been removed, but then an injury meant the removal works had to be postponed. Although recovered from the injury, ground conditions then prevented any further clearance works taking place.</p> <p>During the course of investigations, it was found that Wealden District Council has granted planning permission for this site and the removal of the waste is conditioned as part of that planning permission. The landowner restated her intention to remove this waste from the site and a timescale was agreed with her for this to be completed. Officers from Wealden District Council are monitoring the situation and continue to liaise with the landowner to ensure that the site is cleared as agreed.</p> <p>No further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/11	January 2020	Pekes Manor, Nash Street, Chiddingly	Importation and deposit of waste (soils)	<p>A complaint was received alleging that lorry loads of waste materials, comprising soils, were being imported into and deposited at this site. A joint site visit was carried out with an officer from Wealden District Council because that Authority had recently granted planning permission for a gazebo at the site. During the site visit it was noted that the gazebo had not been constructed in the location approved by the planning permission and that approximately 50 lorry loads of soil had been imported in order to facilitate this development.</p> <p>There is a Listed Building within the site and therefore permitted development rights did not apply in this instance. Therefore, Wealden District Council is requiring a full planning application to be submitted to them seeking to regularise this development.</p> <p>There is no further action required by this Authority in its capacity as Waste Planning Authority.</p>
2/12	February 2020	Greenacre Recycling, Titan Maritime, New Road, Newhaven	Breach of Condition (noise)	<p>A complaint was received that the site was being operated not in accordance with the requirements of the Environmental Noise Impact Assessment Report, which is contained within Condition 5 attached to the planning permission for the site (LW/767/CM). The specific complaint was that the roller shutter doors of the waste transfer building were left open when the waste processing plant was operating inside the building, thus allowing excessive noise to escape from the site.</p>

				<p>Several unannounced site monitoring visits were undertaken, but nothing was found that appeared to substantiate the details contained in the complaint. An unannounced visit to the site was also made and discussions held with site personnel, who were reminded of the requirements of the planning condition.</p> <p>No breach of planning control identified and no further enforcement action required.</p>
2/13	February 2020	Land on the south side of Skinners Lane, Catsfield	Importation, deposit and disposal of waste (soils)	<p>A complaint was received that waste soils arising from a housing development adjacent to the site were being deposited in the field to lessen the gradient. Complaints were also received alleging that because of these engineering works, nearby residential properties were being flooded by groundwater run off.</p> <p>Officers from the County Council attended the site on two occasions and spoke with the site manager, the issue concerning the flooding had been resolved by the reinstatement of a field ditch, which does not require planning permission.</p> <p>Given the relatively small quantity of inert materials involved, the apparent absence of harm and the fact that the flooding issue has been resolved, it is not considered that any further action is required. No further soils have been deposited in the field.</p>
2/14	February 2020	Summerfields House, Bohemia Road, Hastings	Importation and deposit of waste	<p>A complaint was received that waste was being imported and deposited at the site. A site visit was undertaken and there was no waste in the area indicated by the complainant, which is part of a garden of a residential dwelling house, which offers a bed and breakfast service.</p> <p>No breach of planning control identified and no further action required.</p>
2/15	March 2020	Land adjacent to The Fairway, Newhaven	Breach of conditions (parking of vehicles and mud on the road)	<p>A complaint was received that the contractors were breaching the conditions of their planning permission by parking vehicles on the verges of The Fairway, and by dragging mud from the site out onto the road surface.</p> <p>A site visit was undertaken, and it was found that the site in question was a housing development which had been granted planning permission by Lewes District Council. At the time of the site visit there was no mud on the road, which was being regularly swept by a mechanical road sweeper, nor were there any vehicles parked on the verge.</p> <p>The details of the complaint and the outcome of the site visit was passed to Lewes District Council, for their information/action as they may deem appropriate and no further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/16	March 2020	The Streams, Eight Acre Lane, Three Oaks	Importation and deposit of waste	<p>A complaint was received that the landowners were importing, depositing, and sorting building and construction waste from their building company on this site. A joint site visit was undertaken with an officer from Rother District Council. During the site visit a meeting was held with the landowners who admitted importing the waste in order to try and recycle as much as possible and to behave as an environmentally responsible company.</p> <p>The planning implications were explained to the landowners, who decided to immediately cease any further importation of waste from the site and to clear the waste that had already been imported.</p>

				Rother District Council are dealing with other planning issues at the site and will monitor the site to ensure that it is cleared as agreed. No further action required by this Authority.
2/17	March 2020	Holley Woodshavings, Squires Farm Industrial Estate, Palehouse Green, Easons Green	Unauthorised waste wood processing	<p>This alleged breach of planning control is directly linked to the record shown at 1/1 above.</p> <p>Complaints were received that waste wood processing was taking place at the site, despite the refusal of planning permission in February 2020. Due to the timing of the complaints and the Covid-19 restrictions, only limited site visits were initially possible. However, during the course of a site visit it was evident that processing was taking place. The unauthorised processing continued, and it was considered appropriate to take enforcement action. Consequently, a Temporary Stop Notice was served on the landowners/operators and other interest parties on 26 June 2020. The Notices were served both by post and by hand, and secured to the site. Following the service of the Temporary Stop Notice, the site was monitored on a regular basis and no processing was seen to be taking place.</p> <p>Further monitoring has continued and currently no waste wood processing is taking place on the site. The breach of planning control has therefore been resolved.</p>
2/18	April 2020	Land Adjacent to Redgate Mill WWTW, Eridge Lane, Rotherfield	Importation and deposit of waste	<p>A complaint was received alleging that waste was being imported into a field and deposited. A site visit was undertaken and no evidence of imported materials found. An area of land had been levelled and the soils distributed within the site.</p> <p>No breach of planning control identified and no further action required.</p>
2/19	April 2020	125 Eastbourne Road, Willingdon	Importation, deposit and storage of waste	<p>A complaint was received that waste materials, comprising household goods and other materials, were being imported into and deposited at this site. Contact was made with the Environmental Health Department of Wealden District Council to see whether a Community Protection Notice they had previously served on the landowner was still in effect. It was confirmed that the Notice was no longer applicable.</p> <p>Due to the Covid-19 restrictions it was not possible to undertake an immediate site visit, although photographs supplied to officers supported the complaint. Attempts were made to contact the landowner by telephone, with no success. A letter was therefore sent to him requiring the imported waste to be removed from the site and specifying a timescale during which the clearance should be completed. Subsequent site visits by both an officer from this Authority and separately by an officer from Wealden District Council's Environmental Health Department have found that the imported waste has been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further action is necessary.</p>
2/20	April 2020	Expert Skip Hire, Unit 3, Cradle Hill Industrial Estate, Seaford	Breach of pre-commencement conditions	<p>A complaint was received alleging that noise being generated from the site had significantly increased.</p> <p>The operator has planning permission to demolish the existing building and erect a new waste transfer building, however there are pre-commencement conditions which had not been discharged. An officer contacted the operator's planning agent to ascertain whether the operator had commenced demolition works at the site or whether the site working practices had changed in any way. The planning agent responded to state that demolition of the building had not commenced nor had the operator changed any of the working practices on the site.</p>

				<p>A site visit was carried out and the site monitored and no excessive noise was noted. The site visit also confirmed that works to implement the new planning permission had not commenced.</p> <p>Further contact was made with the complainant, who stated that the noise had reduced significantly and was no longer an issue.</p> <p>No breach of planning control and no further action required.</p>
2/21	April 2020	Rye College (Aquinas Trust), The Grove, Rye	Breach of Condition (access)	<p>A complaint was received that the school had erected a fence on land which the complainant believed was a breach of planning control and a breach of Highway Regulations.</p> <p>An officer from the County Council's Transport Development Control team examined this allegation in respect of Highway Regulations. This identified that the land did not actually form part of the highway but was land under the control of the school. Therefore, there was no breach of any Highway Regulations.</p> <p>Regarding the alleged breach of planning control, this was reviewed by officers. The fence is not adjacent to the highway and was considered to be permitted development, therefore not requiring specific planning permission.</p> <p>There is no breach of planning control, no further action required.</p>
2/22	April 2020	Tewitts Farm, Palehouse Common, Framfield	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into the site and had been used to create a bund along the southern boundary of the property.</p> <p>During investigations, officers found that Wealden District Council had previously refused a planning application for these works at this location within this site. Discussions were held with an officer from Wealden District Council and, as they were dealing also with other planning issues at this site, they agreed to incorporate this complaint into their investigation of the various matters.</p> <p>There is no further action required by this Authority in its capacity as Waste Planning Authority.</p>
2/23	May 2020	26 Levant Close, Stone Cross	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received that waste materials, comprising building and construction waste, were being imported into the site and bulked up in a skip.</p> <p>Contact was made with the operator who confirmed the substance of the complaint in that the skip was originally intended to receive waste from his son's house. Once the household waste had been deposited in the skip there was still some capacity left. In order to use the skip fully and to be a responsible operator in disposing of the waste generated from his business, he decided to utilise the available capacity of the skip.</p> <p>The planning implications of such action and the Environmental Permitting requirements were explained to the operator, who immediately agreed to have the skip removed from the site and not have any more skips at this site for the reception of waste generated from his business.</p>

				A further site visit has been undertaken, and it was noted that the skip and building/construction waste has been removed from the site. The breach of planning control is therefore resolved, and no further action is necessary.
2/24	May 2020	Rocks Smallholding, Victoria Road, Windmill Hill	Importation and deposit of waste	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken and no evidence of the importation of waste materials was found. No breach of planning control identified and no further action required.
2/25	June 2020	Mill Lane, Ripe	Importation and deposit of waste	A complaint was received alleging that waste was being imported into a field and deposited, although no specific address or location was given. The whole length of Mill Lane has been searched twice by an officer and no trace of the waste has been found. No breach of planning control identified and no further action is necessary.
2/26	June 2020	Born Again Plastics, Oak Ferrars Farm, Piltown	Breach of Condition (noise, dust and odour)	A complaint was received that noise, dust and fumes were being generated from the site by the operator. The relevant planning permission (WD/719/CM) was reviewed, which confirmed that there were no conditions controlling any of the matters that were being complained about, and therefore there was no breach of planning control. Despite this, contact was made with the landowner who was unaware of the issues which had been complained about. Contact was also made with the two companies who operate from the site. One, a skip company, who was operating under the existing B2/B8 use on the site, agreed to source some sleeves for the chains on his skip lorries in order to reduce the noise from them clattering against the metal skips sides. In the meantime, he indicated he would tension the chains so that they were not loose. Regarding the other operator, who was operating under the planning permission granted by this Authority, he stated that he would undertake a repair to the building, which should help to reduce the impacts from his operations. The complainant was advised as to the actions undertaken and also referred to Wealden District Council's Environmental Health Department should the issues continue or recur. No breach of planning control for this Authority and no further enforcement action required.
2/27	June 2020	155 South Road, Hailsham	Importation, deposit and bulking up of waste in a skip	A complaint was received alleging that the landowner was bringing waste materials back to his home address and bulking it up in a skip before having the skip and waste removed. A site visit was undertaken and there was no skip on the site. However a significant quantity of waste had been stockpiled in the yard to the side of the property. A meeting was held with the landowner, who stated that there had been a skip on the site to manage his neighbour's waste, but he did admit that he had also used the skip to dispose of commercial waste generated by his business activities. The landowner indicated that this problem was, in part, caused by the Coronavirus

				<p>pandemic as the sites he normally took his waste to had shut their doors at the start of the pandemic and refused to take waste other than their own.</p> <p>The landowner stated that he would get the waste stored in the yard removed and was given a period in which to undertake the clearance.</p> <p>A further site visit has been undertaken and all the imported waste materials have been removed from the site. Therefore, the breach of planning control has been resolved and no further enforcement action is necessary.</p>
2/28	June 2020	Deanland Wood Park, Deanland Road, Golden Cross	Importation, deposit and burning of green waste	<p>A complaint was received by Wealden District Council that waste materials were being imported into the site and burnt. A site visit was undertaken, during which a meeting was held with site personnel.</p> <p>The area in question is a woodyard which has been historically used to manage the woodland that forms part of the caravan park and to burn green waste created on the caravan park site itself. It was confirmed that the site has a T7 Exemption from the Environment Agency to cover the burning of site derived green waste. The site personnel also stated that the woodyard had been used for this purpose for approximately 40 years, and this appeared to be borne out by what was seen on the site and research of aerial photographs. They were advised regarding the possibility of submitting a Certificate of Lawfulness of Existing Use or Development and what was required in that application.</p> <p>This activity appears to have become immune from planning enforcement action through the passage of time and no further action is possible.</p>
2/29	June 2020	8 Grovelands Road, Hailsham	Importation and deposit of waste	<p>A complaint was received that the landowner was importing scrap metal into the site and then bulking it up before removing it to an authorised waste transfer station.</p> <p>A site visit was undertaken, during the course of which a meeting was held with the landowner, where the planning implications were explained to him. The landowner immediately agreed to clear the site and requested a short time period in which to be allowed to do so. Shortly after the agreed time period had expired, a further site visit and meeting with the landowner was undertaken. This confirmed that all the imported scrap metal had been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further action is required.</p>
2/30	July 2020	Eco Skip Waste & Recycling, Oak Ferrars Farm, Piltdown	Importation and deposit of waste	<p>Officers attended the Farm in connection with another matter noticed that waste had been imported into the site and was stored in skips. The attending officers contacted the landowner who then attended the site where the breach of planning control was pointed out to him. A timescale for the removal of the waste materials was agreed with the landowner, who then instructed his tenant to clear the site.</p> <p>A site visit was undertaken shortly after the expiry of the agreed timescale and it was noted that all the imported waste materials and skips had been removed from the site.</p> <p>Breach of planning control resolved and no further enforcement action is required.</p>

2/31	July 2020	Messens Farm, Potmans Lane, Bexhill- on-Sea	Importation and deposit of waste	<p>A complaint was received alleging that waste materials, comprising soils, were being imported into and deposited at this site. A site visit was undertaken, during the course of which a meeting was held with the landowner.</p> <p>The landowner explained that there was a section of land on his property which had, prior to his ownership, been used to deposit waste. In removing the waste from the site, the area had become very disturbed and he was unable to use farm machinery on the site. Soils were brought in to even out the area and then the landowner was going to reseed it with grass seed.</p> <p>It was noted during the site visit that the level of the land had not been materially raised and that the soils that were being imported into the site appeared to be of good quality and suitable for the intended use.</p> <p>It is likely that if the landowner had requested pre-application advice prior to the works commencing, then it would have been considered that these works were reasonably necessary for the benefit of agriculture and, therefore, would have been permitted development.</p> <p>No demonstrable harm has been caused and it is not considered that any further enforcement action is required.</p>
2/32	August 2020	KG Mini Skips, Unit 35 Granary Business Centre, Broad Farm, Hellingly	Importation, deposit and storage of waste	<p>A complaint was received that skips loaded with waste were being imported into and deposited at this site. A site visit was carried out which confirmed the substance of the complaint.</p> <p>A meeting was held with the operator and the requirements relating to planning permission and Environmental Permitting was explained to him. The operator stated that he would be pursuing a planning application for undertaking the waste activity on the site, but until the planning application had been submitted and decided, he would clear the site of the imported waste and not import any more waste. The operator advised that he would just use the site to store empty skips and his vehicles, which is permitted under the current use class for the site and does not require specific planning permission from this Authority.</p> <p>A follow up site visit was undertaken which confirmed that all the waste has been cleared from the site. Although no planning application has been submitted, the breach of planning control has been resolved and no further enforcement action is required.</p>
2/33	August 2020	Messens Farm, Potmans Lane, Bexhill on Sea	Breach of Condition (private use of manège)	<p>A complaint was received that a horse manège, granted planning permission by the County Council (WD/720/CM), was being used as a commercial livery/riding school.</p> <p>A site visit was carried out and no advertising signs or evidence of commercial use were found in the vicinity. Checks were also made on the internet and other media and no trace of any advertisements promoting a commercial livery or riding stables at this site was found.</p> <p>No breach of planning control identified and no further action required.</p>
2/34	August 2020	Seahaven Academy, Southdown Road, Newhaven	Breach of Condition (vehicle routeing)	<p>A complaint was received stating that vehicles associated with a development at Seahaven Academy were using Southdown Road, which it was alleged was a breach of condition.</p>

				<p>A site visit was carried out and the access road to the site monitored. Whilst it was clear that some of the vehicles driving along the road were associated with the development site, equally there were other vehicles that were not, and were either local residents going to or from their houses, or attending the area for another reason, not connected with the school development. Southdown Road is the only access to the school site and there are no restrictions attached to the planning permission regarding using this access. The road was also checked for any restrictions, such as weight limits, and none were displayed.</p> <p>No breach of planning control and no further action required.</p>
2/35	September 2020	Small Grove, Rotherfield Hill, Crowborough	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received that a skip at the site was being used to receive waste materials brought into the site from (off-site) works carried out by the landowner's building company. A site visit was undertaken which confirmed that there was a skip on the site, which contained building and construction waste and what appeared to be some household waste.</p> <p>A site meeting was held with the landowner, who stated that the skip was on site to receive waste generated from the construction of an en-suite bathroom at his property. This was confirmed when the landowner showed the attending officer the room where the bathroom was being constructed.</p> <p>No breach of planning control and no further action required.</p>
2/36	September 2020	83 Priory Road, Eastbourne	Importation, deposit and storage of waste	<p>A complaint was received that waste materials were being imported into and deposited in the front and rear gardens of the property. A joint site visit was undertaken by officers from this Authority and Eastbourne Borough Council. The site visit confirmed that there was waste stored in both the front and rear gardens of the property. However, there was nothing to identify the origins of the waste, and the waste could have been generated from within the site itself and not imported.</p> <p>It was agreed that the most appropriate course of action would be for Eastbourne Borough Council to deal with this matter using the powers afforded to them by Section 215 of the Town and Country Planning Act 1990 and the Community Protection Warning and Notice system under the Anti-Social Behaviour, Crime and Policing Act 2014.</p> <p>No further action is required by this Authority in its capacity as Waste Planning Authority.</p>
2/37	September 2020	Newhaven Port Access Road, Newhaven	Deposit of construction waste into Mill Creek	<p>A complaint was received that waste material arisings from the Newhaven Port Access Road development were being deposited in Mill Creek. A site visit was undertaken and a meeting held with the Project Manager. Mill Creek was examined at low tide and there was no evidence of any waste being deposited in the creek.</p> <p>No breach of planning control and no further enforcement action required.</p>
2/38	September 2020	Sussex Aggregate Supplies Ltd, Station Road Industrial Estate, Hailsham	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken, during the course of which a meeting was held with the operator, who admitted importing a small quantity of topsoil from a local landscape gardening operation. This material has since been removed from the site.</p> <p>The requirements for planning permission and an Environmental Permit were explained to the operator, who stated that he would not import waste soils into the site in the future.</p>

				The breach of planning control has therefore been resolved and no further action is required.
2/39	September 2020	Sweethayes Farm, London Road, Hurst Green	Importation and deposit of waste	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken and a meeting held with one of the directors of the company undertaking the development, who stated that the works were in connection with a development granted planning permission by Rother District Council. It would appear from online records that planning permission has not yet been granted for this development by the District Council.</p> <p>As these works are in connection with the planning application being dealt with by another authority, the matter has been referred to Rother District Council for information/action as they deem appropriate. No further action is required by this Authority.</p>
2/40	September 2020	Trojan Rose Ltd, Sussex Barn, New Road, Hellingly	Importation, deposit and bulking up of waste in a skip	<p>A complaint was received that waste materials were being imported into the site and bulked up in a skip. A site visit was undertaken, during the course of which a meeting was held with the Managing Director of the company.</p> <p>The company is engaged in the maintenance, repair and installation of roofs on large commercial premises and as such use skips on their client's sites to dispose of waste generated during that work. During the visit it was noted that there was one skip on the site which was being used for waste generated from the site, and also contained a small quantity of roofing waste.</p> <p>There is no planning issue with the skip being used for waste generated from the site or as an incidental use of the site. Therefore, there is no breach of planning control and no further enforcement action required.</p>

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED SINCE JANUARY 2020 AND AS YET UNRESOLVED.

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
3/1	January 2020	Meadow Farm, Road Hill, Isfield	Importation and deposit of Waste (soils and hardcore)	<p>In 2018 a complaint was received alleging that lorry loads of waste materials, comprising soils and hardcore, had been imported into the site and deposited. Joint site visits were undertaken with officers from the Environment Agency and Wealden District Council, and meetings were also held with the landowner and operators. Wealden District Council invited an application which sought to retain the deposited materials on site to be used in several engineering operations. That authority eventually decided that they could not entertain such an application and returned the application and fee to the landowner.</p> <p>The matter was been referred back to the County Council to deal with as a County Matter. Officers held an initial site meeting with the landowner (February 2020). At that time the whole area was so waterlogged as to be impassable, and the removal of the materials was not feasible. Since the initial meeting, the</p>

				<p>Coronavirus Pandemic has prevented further progress in this matter. However, contact is to be resumed with the landowner in order to progress matters.</p>
3/2	February 2020	Perrylands Farm, Hackhurst Lane, Lower Dicker	Importation, deposit storage and burning of waste	<p>A complaint was received alleging that waste was being imported, deposited and burnt at this site. An initial site visit was carried out and a very small bonfire site was found, along with a deposit of hardcore.</p> <p>There were other planning issues identified on the site which fall within the remit of Wealden District Council. Accordingly, a joint site visit was arranged with an officer from Wealden District Council for Wednesday 1 April, but this was delayed due to the Coronavirus Pandemic emergency procedures, and further action is currently pending.</p>
3/3	March 2020	Quarry Cars, Unit 5B Quarry Road Industrial Estate, Newhaven	Importation, deposit and breaking of end of life vehicles	<p>Officers attending the Industrial Estate in connection with other matters noticed what appeared to be end of life vehicles being stored on the site. At the time of the initial visit no one was on site.</p> <p>A subsequent site visit found the operators on site, who explained that they were a garage that serviced vehicles, but a significant element of their business was recycling parts from end of life vehicles and scrapping the remaining body shell. The requirements for planning permission and Environmental Permitting was explained to the operators who decided that because the site is on a very short-term lease, and the landowner is seeking planning permission to re-develop the site, they would not be seeking to regularise this breach of planning control through a planning application.</p> <p>Therefore, a timescale has been agreed with the operators to clear the site, and the site will be monitored to ensure compliance.</p>
3/4	May 2020	Ken Fowler Demolition, The Barn, Nabscott Farm, Lower Dicker	Importation and deposit of waste (bricks)	<p>A complaint was received that waste materials, comprising bricks, were being imported into and deposited at the site. An initial site visit was undertaken which did not find anything to support the complaint.</p> <p>The site has the benefit of a planning permission granted by Wealden District Council and a joint site visit is to be arranged with an officer from Wealden District Council. However, it is understood that Enforcement Officers from that Authority are not currently undertaking site visits, or only very limited site visits, due to the Covid-19 pandemic, and further action is therefore pending.</p>
3/5	June 2020	Binkys Farm, Station Road, Buxted	Importation and deposit of waste soils	<p>A complaint was received that waste soils were being imported into the site and deposited, before being formed into a bund along the bank of the River Uck. The site is part of the river flood plain.</p> <p>Although an initial site visit has been undertaken by officers from this Authority, a joint site visit with an officer from Wealden District Council and a site meeting is to be arranged with the landowner to fully assess the situation. However, it is understood that Enforcement Officers from that Authority are not currently undertaking site visits, or only very limited site visits, due to the Covid-19 pandemic, and further action is therefore pending.</p>

3/6	June 2020	Land off Langley Close, Bexhill-on-Sea	Deposit of waste	A complaint was received that waste materials were being tipped on an area of land behind residential garages. A site visit was carried out, which identified that a large amount of domestic and construction waste had been deposited. Land adjacent to the site is currently being developed for housing, which has created a secluded area which could be attracting fly-tipping. Attempts are being made to contact the owner of the land where the waste has been deposited.
3/7	July 2020	Born Again Plastics, Oak Ferrars Farm, Pittdown	Breach of Conditions (outside storage)	Officers attending the site in connection with another matter noticed that waste plastics were being stored outside the area permitted by the planning permission that relates to the site (WD/719/CM). A meeting has been held with the operator and a timescale agreed for him to return the site to compliance with the planning condition. The site will continue to be monitored to ensure compliance.
3/8	July 2020	Rideout Agricultural, Dunly Wood, Cross-in- hand	Importation, deposit and processing of waste	A complaint was received that waste materials were being imported into the site, deposited and processed. An officer undertook an initial site visit but was refused entry to the site by the operator. Contact was made with the landowner and a site meeting arranged. During the course of the meeting with the landowner, the substance of the complaint was confirmed. The landowner was provided with an "in principle" view that a planning application seeking to regularise the use of the site would be unlikely to be supported. However, the landowner stated that he would support the operator's application seeking to regularise this breach of planning control. A planning application (WD/847/CM) has now been received and is currently being processed.
3/9	August 2020	AM Skip & Plant Hire, Hazelbank, London Road, Maresfield	Breach of Conditions (noise and dust)	A complaint was received alleging that the site, which has the benefit of a planning permission (WD/327/CM) granted by this Authority, was not being operated in accordance with the conditions that are attached to the planning permission. A period of unannounced site monitoring has been undertaken, which confirmed most of the details contained within the complaint. A meeting has recently been held with the operator who requested, and was granted, a period in which to take remedial action to bring the site back into compliance with the planning conditions. The site will continue to be monitored during this period.
3/10	August 2020	58 Windsor Way, Polegate	Importation and deposit of waste	A complaint was received that waste materials were being imported into the site and deposited. A site visit was undertaken, during the course of which a meeting was held with the landowner. It was noted that there was a significant quantity of scrap metal stored within a building at the site. A timescale has been agreed for the removal of this scrap metal from the site. During this period the site will be regularly monitored by officers to ensure that the removal of the scrap is being progressed.
3/11	August 2020	187 London Road, Hailsham	Importation, deposit and storage of waste	A complaint was received that waste materials were again being stored in the rear garden of this site. The County Council had previously dealt with matters at this site, which resulted in the service of an Enforcement Notice in 2015, and which is still extant.

				<p>A site visit was undertaken which confirmed the substance of the complaint. A letter was sent to the landowner, reminding him of the existence of the Enforcement Notice and providing him with a short timescale in which to return the site to compliance with the requirements of the Enforcement Notice. The landowner was also reminded that it is an offence to breach the Enforcement Notice and that he has previously been convicted of this offence.</p> <p>A further site visit has been carried out and it was noted that some of the waste had been removed from the site. Due to various circumstances, the landowner has written requesting an extension of time to complete the removal of the waste removal. This request has only recently been received and is being considered.</p>
3/12	September 2020	Firgrove Business Park, Firgrove Road, Cross-in-Hand	Importation, deposit, storage and breaking of end of life vehicles	<p>A complaint was received that end of life vehicle were being imported into the site, and then being broken for their recyclable parts, before the remaining chassis was scrapped. A site visit was undertaken which confirmed the substance of the complaint.</p> <p>A meeting has been held with the landowner, and a timescale agreed for him to either submit a planning application seeking to regularise the activity or to clear the site of end of life vehicles. This timescale has only just commenced and the site will continue to be monitored.</p>
3/13	September 2020	Land off Eastbourne Road, Pevensey Bay	Disposal of liquid waste to land.	<p>A complaint was received that tankers were disposing liquid waste to land at this location. An initial site visit has been undertaken and the Environment Agency have also been informed. Further enquiries are currently being undertaken.</p>

TABLE 4 - OUTSTANDING CASES SUBJECT TO ONGOING ACTION

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
4/1	August 2018	Court Lodge Farm, Etchingam Road, Burwash, Etchingam	Unauthorised animal incinerator	<p>A complaint was received that an animal incinerator had been installed on the boundary of the property. A site visit was carried out, which confirmed the substance of the complaint, and discussions were held with the landowner. The purpose of the incinerator is for disposing of fallen stock solely from the farm, no animal carcasses are to be imported to the site.</p> <p>A planning application (RR/823/CM) was submitted in April 2019 for the retention and use of the incinerator but was subsequently returned due to insufficient information. A further planning application (RR/826/CM) was submitted, which proposed an alternative location for the incinerator. However, following representations made to the application, the applicant withdrew the application in October 2019 and had been considering further alternative locations within the site.</p> <p>Previously, the incinerator has not been in use and no further action was necessary. However, a complaint has recently been received alleging that the incinerator has been commissioned and is now operating.</p>

				Further enquiries are being made to ascertain the current situation regarding the positioning and use of the incinerator.
4/2	April 2019	Land adjacent to Appletree Cottage, Staplecross	Importation and deposit of waste	<p>A complaint was received that building and construction waste was being imported into and deposited at this site. A site visit was undertaken which confirmed the substance of the complaint. A letter was sent to the landowner explaining the need for planning permission and that such an application was unlikely to be supported given the site's location within the countryside and the High Weald Area of Outstanding Natural Beauty.</p> <p>Despite officers advising that the proposal would be unlikely to be supported, the landowner proceeded to submit a planning application seeking to regularise the breach of planning control. The application (RR/828/CC) was considered by the Planning Committee on 18 December 2019 and planning permission was refused. The Committee resolution included undertaking enforcement action to secure the removal of the waste materials and an Enforcement Notice was served on the landowners on 20 December 2019. The Notice required the cessation of the importation of waste; the removal of the waste; and the restoration of the site, including the replacement of the hedgerow that was removed to facilitate the deposit of the waste.</p> <p>The landowner submitted appeals against both the refusal of planning permission and the Enforcement Notice and both appeals were dealt with through the written representations procedure. The Planning Inspectorate dismissed both appeals but varied the period for compliance with the Enforcement Notice to November 2021 (from November 2020). This extension of time was considered necessary to avoid extensive works being undertaken during periods which may affect protected species.</p> <p>The site will continue to be monitored to ensure that the requirements of the Enforcement Notice are fully complied with.</p>
4/3	July 2019	Land at Battle Wood, Mountfield	Importation and deposit of waste (soils)	<p>A complaint was received that a local resident had excavated a highway bank and had deposited the soils onto land belonging to another person. A joint site visit was undertaken with officers from Rother District Council and East Sussex Highways, which substantiated the nature of the complaint.</p> <p>Officers contacted the landowner where the waste was deposited, who subsequently placed the matter in the hands of his own solicitor, who wrote to the local resident requiring him to remove the imported waste from the landowner's land.</p> <p>After contact with the landowner, Rother District Council served two Enforcement Notices in respect of the unauthorised engineering works to the highway bank. The recipients of the Notices submitted appeals against the Notices to the Planning Inspectorate and the appeals were dealt with through the written representations procedure.</p> <p>Rother District Council has received the Planning Inspector's decision, which was to vary some of the requirements of the Enforcement Notice and to dismiss the appeal. The appellant now has to restore the highway bank, and during this restoration the deposited materials at this site may be used in the reconstruction. Officers are continuing to monitor the situation and liaise with Rother District Council.</p>

4/4	August 2019	Penfold Driveways, AS Farm, The Warren, Crowborough	Importation, deposit and processing of waste (soils and hardcore)	<p>A joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials, comprising soils, sub-soils and hardcore, had been imported into the site and deposited. The soils were being processed on site by means of a screener. A letter was sent to the operator requesting details of the nature and purpose of the activity and a response was received.</p> <p>Since the previous correspondence, further contact was made with the operator, who advised the Environment Agency that some key people involved in the company had suddenly left and set up a rival company, leaving the operator to sort out the issues at this site. Further discussions were ongoing regarding agreeing a timescale for the removal of the materials.</p> <p>Due to earlier wet weather and then the subsequent Coronavirus Pandemic, it has not been possible for the landowner to remove any of the waste from the site and there may well be further delays in commencing the waste removal. Officers will continue to monitor the site and liaise with the Environment Agency.</p>
4/5	August 2019	New Look Driveways, AS Farm, The Warren, Crowborough	Importation, deposit and storage of waste (soils and hardcore)	<p>As with the above site, a joint site visit undertaken by officers from this Authority and the Environment Agency found that a significant quantity of waste materials comprising soils, sub-soils and hardcore had been imported into the site and deposited. The soils appeared to be being processed on site. A letter was sent to the operator requesting details of the nature and purpose of the activity.</p> <p>A further site meeting with the operator was held and the operator admitted that the waste had been imported into the site from clients' sites and stated that he wanted to remove this imported waste from the site. A timescale for the waste removal was agreed with the operator.</p> <p>Although the time period for the removal of the imported waste has now expired, the current Coronavirus Pandemic has delayed the removal of the waste and therefore an extension of the timescale is required. Officers will continue to monitor the site and liaise with the Environment Agency.</p>

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Appeal Decisions

Site visit made on 11 August 2020

by **Hilary Orr MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal A Ref: APP/G1440/C/20/3245299

Land adjacent to Appletree Cottage, Beacon Lane, Staplecross, Robertsbridge TN32 5QP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr H Willing against an enforcement notice issued by East Sussex County Council.
 - The enforcement notice, numbered RR/828/CM, was issued on 19 December 2019.
 - The breach of planning control as alleged in the notice is the unauthorised change of use of the land from woodland to the use for the importation and deposit of waste.
 - The requirements of the notice are:
 - 5.1 Cease the importation and deposit of all waste materials
 - 5.2 Cease the use of the land for the storage and disposal of waste materials and return the land to its original state by carrying out the following works on the land;
 - (i) Between one September 20 and 31 October 20 construct a track in the woodland as described in the arboricultural and ecological impact assessment report (October 2019) which accompanies the planning application (RR/828/CM) and use it to facilitate the removal of the waste materials as required in paragraph 5.2 (ii) below.
 - (ii) Remove from the land all waste materials that have been deposited on the land so that the original undisturbed natural contours of the site are exposed. The term "waste materials" include soil, wood, concrete, bricks, paving slabs, hardcore, plastics, metals, cable and carpet.
 - (iii) On completion of the removal of the waste materials as required by paragraph 5.2 (ii) above remove the track referred to in paragraph 5.2 (i) above from the woodland.
 - (iv) Plant the gap in the hedgerow adjoining the track with Holly and Hazel saplings of a minimum height of 60 dash 70 centimetres in a double row at one metre spacings.
 - The period for compliance with the requirements is: One day for step 5.1.; For steps 5.2 (i) 5.2 (ii) and 5.2 (iii) by 31 October 2020; and Step 5.2 (iv) by 30 November 2020
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - **Summary decision:** The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.
-

Appeal B Ref: APP/G1440/C/20/3245302

Appletree Cottage, Beacon Lane, Staplecross, Robertsbridge TN32 5QP

- 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 Mr H Willing against the decision of East Sussex County Council.
 - The application Ref RR/2029/2308/CM, dated 29 July 2019, was refused by notice dated 19 December 2019.
 - The development proposed is the retention of deposited inert building waste.
- Summary decision:** The appeal is dismissed.
-

Decision

Appeal A

1. It is directed that the enforcement notice is varied by the deletion of the year '2020' in paragraphs 5.2 (i), 5.2 (iii) and 5.2 (iv) of the notice, and the substitution of the year '2021'.
2. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177.

Appeal B

3. The appeal is dismissed.

Procedural matters

4. The appeal on ground (a) and the s78 appeal both relate to largely the same matters. I shall therefore deal with the two appeals together, in so far as they relate to the retention of the material. I shall then go on to consider the remedial proposal submitted as part of the planning application, before moving on to the appeal on ground (f).
5. Whilst no appeal on ground (g) has been put forward, it has become clear that the time for compliance with the notice, may need to be reconsidered in the light of the length of time that has elapsed since the notice was issued. I therefore consider it necessary to address the time for compliance, under ground (g), and have added this ground to the heading above. The parties have been made aware of this and have not raised any objection to this approach.
6. My attention has been drawn to a slight difference in the plan attached to the notice and the block plan submitted as part of the s78 application. From my visit it was evident that some of the material has rolled some distance from the main deposit, including into the adjacent pond. The extent of the overflow of debris is therefore unclear. Nonetheless, I am satisfied that the notice, including the address of the site and the plan, makes it clear the land to which the notice relates.

Main Issues

7. The main issues in these appeals are:
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on the woodland.

Reasons

Character and appearance

8. The appeal site is located to the east of Apple Tree Cottage and lies within the High Weald Area of Outstanding Natural Beauty (HWAONB). The land identified by the notice lies immediately adjacent to an access road that serves a number of properties and is also a public footpath. It comprises an area of woodland and ponds, set within a deep depression. This depression has steep sides that lead to the access road, with established trees and vegetative ground cover.
9. The development has resulted in a section of established hedge being removed, to allow for the deposit of waste material, that was derived from works carried out at a neighbour's property known as The Barn. The parties agree that some 60 tons of spoil comprising builder's brick and concrete rubble and soil has been tipped over the edge of the bank, leaving a flattened area to the top of the bank. It was clear from my site

- visit that established trees had material piled around their base and root protection area.
10. Paragraph 172 of the National Planning Policy Framework (the Framework) makes it clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The High Weald AONB Management Plan 2019 – 2024, further defines the natural beauty and sets objectives to conserve and enhance the HWAONB. This emphasises the need to maintain the existing extent of woodland and in particular ancient woodland.
 11. It is acknowledged that there are limited wider views into the site. However, the development can be clearly seen from the public footpath, with the attention of those using the footpath drawn, as a result of the gap in the hedge.
 12. The introduction of waste material into this area of woodland, has altered the natural contours of the slope, resulting in an anomalous flattened projection. This unnatural appearance is further exacerbated by the type of material involved, with the imported waste materials clearly evident. Moreover, the relative height of the spoil, when compared with the existing trees, adds to its harsh and artificial appearance. I acknowledge that the waste is confined to a fairly limited area. Nonetheless, the development has resulted in an incongruous and discordant feature in this area of woodland, that is in stark contrast to the otherwise natural beauty of the area and wider HWAONB.
 13. For the above reasons, I find that the development has introduced a discordant and alien feature, that has significant and unacceptable harm to the character and appearance of the area and the HWAONB. The development is therefore contrary to policies WMP 25 and WMP27 of the East Sussex, South Downs and Brighton and Hove Waste and Minerals Plan (2013) (Waste and Minerals plan); and policies OSS4, RA2, RA3 and EN1 of the Rother Local Plan Core Strategy (2014) (CS). In summary these policies when taken together, seek to conserve and enhance local character and make clear that development will not be permitted where there is a significant adverse impact on the HWAONB.

Ecology

14. It was clear from the site visit, that some of the material that has been deposited has extended across the floor of the hollow, with pieces of concrete and brick clearly visible and extending into the adjacent pond. The material is piled around the base of several established trees and smaller saplings and covers the original ground vegetation below.
15. The tipped waste material is likely to have resulted in damage to existing and future habitats. It has already damaged the existing vegetation, with the potential for more long term damage to the existing trees, due to impaction within the root protection area. Whilst the material is described as inert waste, I share the Council's concerns about the effect that any leakage may have, on the remaining vegetation and the water quality of the pond.
16. For these reasons, I find that the development has had an unacceptable impact on the wildlife, habitats and the local natural environment of the area. The development is therefore contrary to policies WMP27 of the Waste and Minerals Plan and policies EN1 and EN5 of the of the LP. These policies when taken together seek to protect, conserve and enhance habitats of ecological interest and the local natural environment.
17. The planning application that is the subject of this appeal, sought to retain the material in situ, with topsoil imported to cover it. It also proposed some remedial works, to remove the spoil away from the base of the trees, the pond and replant the hedge. I recognise that this would negate the need for the temporary track, that would be required to facilitate the removal of the spoil.

18. I also acknowledge that this would limit the number of vehicle movements and associated inconvenience to other road users. However, in my judgement it would not overcome the significant harm to the ecology of the HWAONB that I have already identified.

Ground (f)

19. The appeal is that the requirements of the notice exceed what is necessary to achieve the purpose of the notice. The purposes of an enforcement notice are set out in section 173 of the 1990 Act and are to remedy the breach of planning control (s173(4)(a)) or as the case may be, to remedy injury to amenity (s173(4)(b)). In this case the notice requires that the extension is removed, and specific steps are taken to restore the land. The purpose of the notice is therefore to remedy the breach of planning control.
20. It is the appellant's case that it is their intention to complete the works in accordance with the scheme submitted with the application and the s78 appeal. They submit that this would remedy the injury to amenity.
21. My attention has been drawn to another appeal decision, at Rens Shaw, Rock Hill, where the Inspector agreed to allow the spoil to remain in place to avoid additional damage. To my mind, the site in that appeal differs from this site, as it related to a significantly greater quantity of material. In that case the removal of the spoil would have resulted in a lengthy period, where roads would be subject to considerable HGV traffic. The site subject to this appeal would result in a low number of lorry movements and therefore does not represent a true comparison.
22. The letter from Ravensbrook Groundworks, dated 12 July 2019, refers to some three lorry loads of spoil to be removed. Whilst this would cause some inconvenience it is not of a magnitude that it leads me to a different decision. Moreover, any limited benefit of reducing traffic movements, would be offset against the need to import the topsoil.
23. Overall, for the above reasons and based on the evidence I have before me, I find that the remedial nature of the notice requires full compliance, and the requirements are not excessive. Consequently, the appeal on ground (f) therefore fails.

Ground (g)

24. In the requirements of the notice at paragraph 5, the Council has specified dates when particular steps need to be taken. The reason for this is to ensure that these steps are taken at a time, that limits any potential additional disturbance to reptiles and Great Crested Newts. The appeal has taken some time to determine, in part due to the uncertainty and restrictions arising from the Covid-19 virus.
25. For the reasons given above, I consider that the material should be removed from the site as soon as possible. However, I am also mindful of the effect that the restrictions may have had on the appellant's preferred contractor's business. Accordingly, the construction of the temporary track and the removal of the material by 31 October 2020, may no longer be reasonable, especially if another contractor is required.
26. I have had regard to the Arboricultural and Ecological Impact Assessment Report (October 2019). Paragraph 3.2 refers to the ecological survey that identifies that the woodland habitat provides high potential for roosting bats, dormice, hibernating great crested newts, hibernating reptiles, badgers and breeding birds.
27. The period for compliance with the notice, would normally be based on the time that it would take to carry out the works. However, in this case I give the potential for further damage to these species significant weight. For this reason, exceptionally, I intend to vary the notice to specify the same stepped approach to the remedial works, but substituting the year 2021 for 2020 as the time for compliance. To this limited extent the appeal on ground (g) succeeds.

Conclusion

28. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended

Hilary Orr

INSPECTOR

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Committee: **Regulatory
Planning Committee**

Date: **14 October 2020**

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

Proposal: **The demolition of Block EFAA (the main school building) and Block EFAD, and the construction of a replacement main school building as well as temporary accommodation blocks to be used during the construction period.**

Site Address: **Claverham Community College, North Trade Road, Battle TN33 0HT**

Applicant: **Bowmer and Kirkland, the Department for Education and East Sussex County Council**

Application No. **RR/3420/CC**

Key Issues: (i) **Principle of the development**
(ii) **Development boundary**
(iii) **Design, layout and effect on AONB**
(iv) **Ecological matters**
(v) **Effect on amenity**
(vi) **Temporary accommodation**
(vii) **Highway matters**

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

Local Member: **Councillor Kathryn Field**

SUMMARY OF RECOMMENDATIONS

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

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. The Site And Surroundings

1.1 The application site is 3.68 hectares in area and comprises Claverham Community College (hereafter referred to as 'the school'). The school is for pupils between the ages of 11 and 16 with a capacity for 1150, although it also provides for adult education outside normal school hours. The school was

established in the 1950s and has since grown on an *ad-hoc* basis, involving a main, two-storeys building and ten smaller buildings. There are two other buildings, which do not form part of the school, to the south-east of the main building, namely the Claverham Day Nursery and the Battle Sports Centre. The south-western part of the site comprises a multi-use games area (MUGA) and tennis courts. The site slopes down from north to south, falling by about 4.5 metres across its length.

1.2 The school is located at the western edge of the town of Battle and is bound to the north by North Trade Road from which access is gained. Battle Conservation Area is about 800 metres to the east. Residential dwellings are located to the east, north and west (although for the latter, land associated with the two nearest properties is currently subject to redevelopment to a care home). Open fields are to the south, including the school's playing field, with fields and woodland extending beyond. The site benefits from the presence of trees along its boundaries and is within the High Weald Area of Outstanding Natural Beauty (AONB). The site is also within a Flood Zone 1 (area with a low risk of flooding).

2. Site History

2.1 The school has benefited from various planning permissions over the years, the most recent being for retrospective permission in 2018 for the retention of six double mobile classrooms for a further five years to 2023 (ref. RR/3391/CC).

3. The Proposal

3.1 The proposal is for the demolition of the main school building (EFAA), except for its south-western annex, which is currently physically linked to the main block. Once demolished, the main building will be replaced with a new 2 storeys building occupying a similar position within the northern part of the school grounds. A temporary classroom (EFAD) would also be removed from the site after completion of the new build. The capacity of the school would remain the same. In order to accommodate pupils during the demolition and construction phases, two 3-storeys temporary teaching blocks are proposed, together with a temporary reception cabin and toilet units. The main temporary block would be located on the tennis courts, while the smaller block would be sited to the east of the tennis courts on the former swimming pool. The reception cabin would be located between the nursery and sports centre on the eastern boundary with the toilet units in a central position within the campus. The temporary accommodation is expected to be on site for two years after which the tennis courts would be returned to the sport of tennis.

3.2 As part of the overall development, landscaping works and some tree planting are proposed, together with changes to circulation arrangements for both pedestrians and vehicles. New security fencing would also be included.

3.3 The demolition of the main building, together with other works, would result in a substantial volume of waste materials. To manage this, the applicant

has indicated that a contractor would be appointed and a target of a 95% diversion from landfill will be set. The construction phase itself will also result in potential waste arisings. In order to accord with the principles of the waste hierarchy by preventing waste and re-using materials before recycling and disposal, the applicant will develop and implement a Site Waste Management Plan based on those principles.

3.4 This proposal has been submitted because it qualifies as part of the multi-billion Priority School Building Programme for the rebuilding and/or refurbishing of those school buildings across the country, which have been identified by the Department for Education (DfE), as being in the very worst condition. Claverham is part of the second phase of the Programme, which targets the available funding at individual school building blocks in the worst condition, rather than the needs of the whole school. The main school building (EFAA) and a classroom unit (EFAD) are the blocks which qualify for this funding.

4. Consultations and Representations

4.1 Rother District Council raises no objections but provides comments: (i) It considers the two 3 storeys high temporary teaching blocks would have an adverse impact on the protected landscape and character of the location, being near to Battle Conservation Area and within the High Weald AONB. They will be immediately noticeable and dominant, feeling at odds with the surrounding area, and should be 2 storeys in height; (ii) It has no concerns with the proposed new building. The building would be shorter and wider and because of its mass would be visually closer to the road than the existing. While it is noted that there would be an increase in the perceived bulk of the building, this would be balanced by design features such as the glazed section and the use of a combination of three materials, which breaks the contribution to the area whereas the proposed building would be able to deliver a contemporary educational establishment with no adverse effect on the area, including the AONB; (iii) A robust landscape strategy would be welcomed; and (iv) It considers that meaningful pre-application engagement should have been carried out.

4.2 Battle Town Council does not support the application. It is disappointed with the design and poor attempt to fit the development in with the local vernacular and colour palette. It also considers that cycling provision is inadequate when walking and cycling provision is being encouraged and in the light of proposals for the Battle Greenway Safe Cycling route.

4.3 The Highway Authority raises no objections and recommends that conditions should be attached, including on the provision of the new access and car parking arrangements, wheel washing facilities and the submission of a travel plan. Any highway works would need to be carried out in accordance with ESCC specifications and secured by agreement.

4.4 Flood Risk Management ESCC raises no objections and recommends that conditions should be included regarding the submission of a detailed

surface water drainage system, a maintenance and management plan for the drainage system, measures to manage surface water during construction and the submission of evidence that the drainage system has been constructed in accordance with the agreed detailed scheme.

4.5 High Weald AONB Officer raises no objections and recommends that the High Weald Colour Study should be used to select the colours of external materials of structures and that appropriate drainage, planting and lighting arrangements are included which accord with the objectives of the High Weald Management Plan.

4.6 Other representations: One representation of support has been received, while four representations raise objections, although only one of these is from a local Battle address. The objections can be summarised as follows: (i) The whole school should have been considered for updating; (ii) The robustness of the bat surveys is questioned, the temporary accommodation will adversely affect bats and lighting will also affect them, and there will be effects on other wildlife; (iii) The temporary accommodation is too near residential properties and will adversely affect the AONB landscape (as will the permanent building) and will be likely to stay on site; (iv) Noise from pupils and air conditioning units will cause a nuisance; (v) Drainage is an issue with breaks in the local sewerage network; (vi) Ten additional parking spaces is inadequate and will EV points be included?; and (vii) The school has outgrown the site and the cost delivers little while causing much harm and the money should be used elsewhere within education.

5. The Development Plan and other policies which are considered relevant to this decision are:

5.1 Rother District Local Plan Core Strategy 2014: Policies: OSS2 (Use of development boundaries), OSS4 (General development considerations), BA1 (Policy framework for Battle), CO1 (Community facilities and services), RA2 (General strategy for the countryside), RA3 (Development in the countryside), CO4 (Supporting young people), EN1 (Landscape stewardship), EN3 (Design quality), EN5 (Biodiversity and green space), EN6 (Flood risk management), EN7 (Flood risk and development), TR2 (Integrated transport) and TR3 (Access and new development).

5.2 Rother District Development and Site Allocations (DaSA) Local Plan 2019: Policies: DEN1 (Maintaining landscape character), DEN2 (High Weald AONB), DEN4 (Biodiversity and green space), DEN5 (Sustainable drainage), DEN7 (Environmental pollution) and DIM2 (Development boundaries).

5.3 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3a (Promoting waste prevention, re-use and waste awareness), WMP3b (Turning waste into a resource) and WMP3d (Minimising and managing waste during construction, demolition and excavation).

5.4 National Planning Policy Framework (NPPF) 2019

Under Part 8 (Promoting healthy and safe communities), paragraph 94 advises Local Planning Authorities to give great weight to the need to alter and expand schools. Part 9 promotes sustainable transport. Part 12 (Achieving well-designed places) seeks good quality design and creative use of materials in development which are sympathetic to local character. Part 14 seeks to reduce flood risk and Part 15 (Conserving and enhancing the natural environment) at paragraph 172, states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and protecting biodiversity.

5.5 Planning Policy Statement for Schools 2011

This National Policy Statement encourages a positive and collaborative approach to planning applications for state-funded schools, with a presumption in favour of the development of such schools. The statement indicates that the Secretary of State will consider refusal of any application for state-funded schools to be unreasonable conduct, unless it is supported by clear and cogent evidence.

5.6 The High Weald Management Plan 2019-2024: Objective S3 seeks to enhance the architectural quality of the High Weald and ensure development reflects the character of the area in its scale, layout and design, including using the guidance on the selection and use of colour in development through The High Weald Colour Study.

5.7 The Development Plan or emerging Plan documents which are not considered to be relevant are: (i) The saved policies in the Rother Local Plan 2006, as both the Core Strategy and DaSA Local Plans provide more up to date policies; and (ii) Although the pre-submission version of the Battle Neighbourhood Plan underwent a formal consultation at the beginning of this year, no weight should yet be given to its policies.

6. Considerations

Principle of the development

6.1 As highlighted in paragraph 3.4, the school's main building is considered by the DfE not to be fit for purpose and therefore, in need of replacement. This building would be demolished and replaced with a new building, and a separate classroom unit would also be removed. Temporary accommodation would be required to facilitate the educational need during the demolition and construction phases. The new building would provide for enhanced facilities for pupils, as well as for the community more generally. The school has provided an educational service for many years and will continue to do so both during the proposed works and beyond.

6.2 The principle of the development is supported by the Rother Local Plan Core Strategy in the provision of community facilities and services (Policy CO1) and in supporting young people (Policy CO4), as well as according with the Policy Framework for Battle (Policy BA1). Part 8 of the NPPF promotes healthy

and safe communities within which paragraph 94 gives great weight to the need to create, expand or alter schools. Moreover, the government, through the Planning Policy Statement for Schools, makes clear that there should be a presumption in favour of development for state-funded schools. Therefore, in principle, there is significant support in policy terms at both the local and national level for this proposal.

The Development boundary

6.3 Policy OSS2 of the Rother Core Strategy states that development boundaries around settlements will continue to differentiate between where most forms of development would be acceptable and where they would not and similarly, Policy DIM2 of the Rother DaSA Plan indicates that new development will be focused within defined settlement boundaries, together with other sites where proposals accord with relevant Local Plan policies. In the countryside, that is, outside of development boundaries, development will normally be limited to that which accords with specific Local Plan policies or that for which a countryside location is necessary.

6.4 The school application site is within the development boundary of Battle except for the south-western part, which is outside the boundary and therefore, within the countryside. However, this area is already developed, as it comprises hard-surfaced tennis courts and a MUGA.

6.5 Although the proposal for the new building is within the development boundary, the proposed main temporary accommodation block is not, as it would be located on the tennis courts. The courts comprise hardstanding and form part of the developed area of the school campus; a line of trees demarcates the developed area of the school on the southern side of the tennis courts and MUGA from the playing fields to the south. There is very limited space within the campus to house the temporary accommodation and the tennis courts provide a suitable location in terms of size, surface and topography, as well as being located away from the main area of demolition and construction. Moreover, it would be temporary. There is no suitable alternative location within the school grounds, and it is not considered that this part of the development conflicts with the objectives of Policy OSS2 of the Rother Core Strategy and Policy DIM2 of the Rother DaSA Plan.

Design, layout and effect on AONB

6.6 Policy OSS4 of the Rother Core Strategy requires development to respect and not detract from the character and appearance of the locality and is compatible with other development on adjacent land, while Policies RA2 and RA3 require development in the countryside to conserve landscape character. Policy EN1 requires development to protect and enhance the High Weald AONB and Policy EN3 seeks high quality design in development. Policies DEN1 and DEN2 of the Rother DaSA Plan seek to maintain landscape character and the protection and enhancement of the High Weald AONB, respectively. Part 12 of the NPPF seeks, *inter alia*, good design and Part 15 gives great weight to protecting the AONB. The High Weald Management Plan

seeks to ensure that development reflects local character and incorporates the High Weald Colour Study in design proposals.

6.7 The proposed building would be more compact compared to the existing building: shorter in its length fronting North Trade Road and generally wider. The existing building presents a weak frontage to the road and lacks a high quality or unified character for the school site. Views into the site from the north are dominated by parked cars and tarmac and there is no clear focal point to guide visitors to the school entrance. Instead, the new development provides an opportunity to enhance the character and visual amenity of the site and surrounding area. The compact nature of the new building and its squarer position fronting North Trade Road, will make it visually more dominant and better able to receive visitors passing through the newly created open space on its northern side.

6.8 The external materials have been selected for their suitability regarding purpose, aesthetics and durability. The choice of materials and colours aim to enliven the façades and in drawing on the High Weald Colour Study, respect the site's 'village' location within the western part of Battle, and the wider AONB designation. Sussex Chailey red brick stock (with buff coloured mortar) has been adopted for the lowest floor of the building to provide a sense of robustness, as well as aesthetic interest. Above the brick would be an insulated façade system finished in a fine textured render in a terracotta colour that responds to elements within the brick. The recessed coated metal framed windows are grouped in places with turquoise rendered panels providing animation to the façades. The materials and patterning of the elevations express the internal arrangement of the buildings and the façade plays a key part in defining the entrance. Full height curtain wall glazing is used at the main entrance at the front and student entrance at the rear where key elements of circulation come to the façade projecting the movement of the uses within. The large expanses of glazing also reflect the presence of key spaces behind the façade, as well as opening the interior to views to the south. There would be access to all persons throughout the building without the need for detours.

6.9 The respective pedestrian and vehicular approaches from North Trade Road focus visitors towards a new entrance plaza. New steps and a gently ramped path would lead visitors to the main entrance, creating a sense of arrival and enhancing the school's presence on the site. The entrances are defined by a recess in the façade and a change in rhythm. These architectural features break the composition of solid volumes and draw visitors in. The applicant has sought to retain as much usable external space as possible and minimise the impact on these areas.

6.10 It has been an important part for the design to take advantage of the site's arboreal context and to retain as much usable external space as possible in combining soft informal and social spaces with hard landscaped areas that can be used year-round. A variety of native and non-native shrub planting would be carried out around the new building and within its northern 'public' realm, which would complement existing planting within the school grounds. Given the importance of trees within the site, an Arboricultural Survey was undertaken to

inform the application. The existing trees along the boundary of North Trade Road are recognised as being particularly important features in the local landscape and would be retained. However, eleven scattered trees within the northern area of the school grounds would need to be removed to facilitate the development, while some new planting would be undertaken on the eastern side of the site.

6.11 The proposal provides a high-quality building within a complementary setting of a designed landscape. The proposed main entrance to the school flanked by landscaped areas would represent an enhancement to the school frontage and improve the quality of the townscape. Moreover, these improvements enhance the landscape and visual amenity of the High Weald AONB in this locality. While there have been representations objecting to the design of the proposal, the District Council offers support on the design and layout of the new development and its positive contribution to the AONB. Overall, it is considered that the proposal will provide a significant improvement to the school and local community. As such, the development can be supported and accords with the policies set out in paragraph 6.6.

Ecological matters

6.12 Policy EN5 of the Rother Core Strategy requires proposals to protect and enhance biodiversity and similar provisions are required under Policy DEN4 of the Rother DaSA Plan. Part 15 of the NPPF also requires development to protect and enhance habitats and species. The Natural Environment and Communities Act 2006 requires public authorities, in the exercise of their functions, to have regard to the purpose of conserving biodiversity.

6.13 The school benefits from the presence of mature trees within the site and on its boundaries, as well as open space within its campus. The variety of habitats across the site include hedgerows, scrub and woodland and provide suitable opportunities for nesting birds, reptiles, amphibians, badgers and hazel dormouse, amongst other species. Consequently, there is the potential for the development to affect habitats and species.

6.14 The application is supported by three ecological reports: A Preliminary Ecological Appraisal and Bat Roost Potential Survey report, a Great Crested Newt report and a Bat and Reptile Survey report. The surveys indicate that while reptiles and dormice were recorded as absent, Great Crested Newt was found to be present. Bats were recorded in low numbers, but no roosts were identified, and overall roost potential was considered to be low. Indeed, the two buildings proposed for demolition were assessed as having low bat roost potential and surveys revealed no roosting bats were associated with them. Badgers were also noted as being present.

6.15 The respective reports provide recommendations for mitigation and enhancement. Details have also been provided for external lighting during both the construction phase and after completion of the development, which has taken into account the potential effect on bats. A local resident has raised concerns regarding the potential effect of the development on bats. However,

it is considered that the bat surveys were undertaken appropriately and that the proposed use of external lighting should minimise any impacts. Although the application can be supported in ecological terms, it is recommended that a condition is included requiring an ecological strategy to be submitted which would seek to protect retained habitats and include measures resulting in a net gain for biodiversity.

Effect on amenity

6.16 Policy OSS4 of the Rother Core Strategy requires development not to unreasonably harm the amenities of adjoining properties, Policy DEN7 of the Rother DaSA Plan only permits development where there will be no significant adverse effects on health and local amenities and Part 12 of the NPPF seeks to maintain a high standard of amenity following development.

6.17 The demolition and construction phases of the development could result in effects to the amenities of the occupiers of the nearest residential properties. Although these phases would be temporary, there could be disturbance or other nuisance resulting from the use of vehicles and plant, together with emissions which might arise from activities within the site.

6.18 Given the nature of the development and the presence of nearby residential properties, a Construction Environmental Management Plan (CEMP) has been submitted covering the demolition and construction phases. This states that An Integrated Management System will be implemented for this project and will include standard controls to mitigate the impact of construction activities, as well as more site-specific issues. Construction phase lighting would point downwards and inwards to the site and away from sensitive receptors. The quietest and lowest impact processes that are reasonably practicable will be employed on site in the undertaking of all construction works. The applicant will also seek to agree the timings of the noisiest operations with the Environmental Health Department at Rother District Council through relevant legislation. An Air Quality and Dust Management Plan has also been submitted to inform the application during the demolition and construction phases of the development.

6.19 It is important that the local community is informed of proceedings at the site, particularly during busy times when there might be disturbance. The applicant is aware of this and has indicated that newsletter drops would take place providing such information; developer contact details would also be made available to the public.

6.20 A Noise Assessment report has been submitted to inform the application after construction has been completed. The applicant has indicated that the measured ambient noise levels are not suitable to permit a natural ventilation strategy to be implemented solely via open windows in teaching rooms. However, the use of the proposed new double glazing and hybrid/mixed-mode ventilation strategy is suitable to meet the relevant indoor ambient noise criteria in teaching spaces within new buildings. In using mechanical ventilation, a suitable design of the system will be required to ensure noise impact within

classrooms and in external teaching areas is suitably controlled to meet the relevant indoor ambient noise level criteria. An assessment of noise from the proposed external services plant was carried out to determine noise levels at the nearest residential properties using BS 4142:2014. These identified the daytime rating level as 36 dB(A) and night-time as 29 dB(A). Although these levels are relatively low, a condition is recommended to secure them. Moreover, the implementation of controls contained within the CEMP and dust management plan is also recommended through the approval of the documents at Condition 2. With these controls in place, it is not anticipated that there would be any significant adverse effect on the amenity of persons within the locality.

Temporary accommodation

6.21 The temporary buildings comprise a main teaching block at 3 storeys in height, with a floorspace of 3451 square metres, a smaller block also at 3 storeys covering 841 square metres, a reception cabin and four portaloos with 7 toilets each. While the demolition and construction phases are being carried out, a large part of the teaching accommodation will be lost. Therefore, it will need to be replaced so the school can continue to provide an educational service.

6.22 All the buildings would be within the development boundary of Battle except for the main block. Although this block would be located on existing hard surfaced tennis courts, it falls outside the development boundary and is therefore in the countryside. This issue has been addressed at paragraph 6.5.

6.23 Rother District Council raises concerns regarding the height of the two teaching blocks and their visual effect within the High Weald AONB. The blocks will be large structures and utilitarian in appearance, but they will need to readily accommodate the teaching space that will be lost with the demolition of the main building. The teaching blocks are located at the southern end of the site, at its lowest point. There would be limited views of these buildings from properties to the east due to intervening trees and it is not considered that there would be any unreasonable loss of visual amenity. The school does not have other suitable space to accommodate the third-tier units and while the blocks do not enhance the character or qualities of the AONB *per se*, they are temporary structures which will facilitate the construction of a high quality educational establishment. Therefore, it is considered that any adverse effects to the AONB landscape would only be temporary and would not outweigh the over-riding need for the development.

Highway matters

6.24 Part 9 of the NPPF promotes the use of more sustainable modes of transport. Policy TR2 of the Rother Core Strategy also seeks improvements in the use and provision of sustainable transport and Policy TR3 of that Plan requires well designed and safe access arrangements for new development while minimising the need to travel by car. A Transport Assessment report and logistics plan accompany the application, together with a travel plan. The CEMP also addresses transport issues during the construction phase.

6.25 The proposal will allow improvements to the existing access arrangements for the school, including enhanced pedestrian routes from North Trade Road and a new consolidated parking layout and drop-off area. The number of parking spaces for both cars and cycles will remain the same. The school is currently accessed from two points along North Trade Road both of which are currently used for ingress and egress, although the main access route works loosely as a one-way system with buses entering from the east and leaving to the west. The eastern access is shared with users of the Claverham Day Nursery and Battle Sports Centre.

6.26 In terms of layout, the access arrangements are proposed to remain largely as existing, although the informal one-way system will be formalised with all vehicles entering the site via the eastern access and leaving via the western access. A new layby for buses will be provided along the one-way route. Pedestrians and cyclists will continue to access the school via the two entrances with a new footway incorporated at the western access. Tactile paving will also be provided at the entrances. As works will be required to the public highway, an agreement will be necessary between the applicant and the Highway Authority on the scope and detail of such works. This will be facilitated through a Section 278 agreement under The Highways Act. Conditions have been included which require the agreement to be completed before above ground construction works commence on the main building and for those works to be completed before occupation of that building.

6.27 The submitted CEMP includes measures to limit the effect of development traffic on the highway, including restrictions on delivery times, limiting the use of the site for contractors parking and providing alternative parking arrangements off site. A travel plan has also been submitted and is considered by the Highway Authority to be sufficient as a framework but will need to be updated. As such, it should include measures which would be most effective in reducing journeys to school by car, set specific targets for reducing car travel and increase non-car modes of transport, and then propose specific measures to achieve them.

6.28 The Highway Authority raises no objections and the proposal is considered to be acceptable.

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 demolition and replacement of the main school building, together with the removal of a separate classroom unit and associated landscaping and access works. The existing building is not fit for purpose and the new building will provide for a more attractive and enhanced educational establishment, both for school pupils and staff and for the wider community.

The design and layout of the new building and the external space around it will enhance local townscape character and the landscape of the High Weald AONB.

7.3 During the demolition and construction phases of the development, temporary accommodation will be used to enable the educational service to continue. Although the two proposed teaching blocks are visually utilitarian, they are located at the lowest part of the site and away from where most of the construction activity will take place at the higher end of the campus near to North Trade Road. Measures will be put in place to reduce the effects of activities on local residents and wildlife.

7.4 The proposed development is considered to be acceptable and in accordance with: Policies OSS2, OSS4, BA1, CO1, RA2, RA3, CO4, EN1, EN3, EN5, EN6, EN7, TR2 and TR3 of the Rother District Local Plan Core Strategy 2014; Policies DEN1, DEN2, DEN4, DEN5, DEN7 and DIM2 of the Rother District Development and Site Allocations Local Plan 2019; Policies WMP3 (a, b and d) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013; Parts 8, 9, 12, 14 and 15 of the National Planning Policy Framework 2019; The Planning Policy Statement for Schools 2011; and Objective 3 of the High Weald Management Plan 2019.

7.5 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.

7.6 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, drawings and other documents listed in the Schedule of Approved Plans.

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

3. The proposed temporary teaching blocks, reception cabin and toilets shall be dismantled and removed from the site no later than two years after the date of their installation, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: The temporary buildings are only required on site for the duration of the construction of the new development.

4. Prior to the commencement of the construction of the new main building a detailed surface water drainage scheme shall be submitted to the Director of Communities, Economy and Transport for approval in writing. The scheme shall include the following:
 - (i) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 5 l/s for all rainfall events, including those with a 1 in 100 (plus climate change allowance) annual probability of occurrence;
 - (ii) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely; and
 - (iii) The detailed design of the underground tank shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least one metre unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.The scheme shall be implemented in accordance with the approved details.

Reason: To provide for an appropriate surface water drainage system and to reduce the risk of flooding in accordance with Policies EN6 and EN7 of the Rother District Local Plan Core Strategy 2014 and Policy DEN5 of the Rother District Development and Site Allocations Local Plan 2019.

5. Prior to the commencement of the construction of the new main building, a maintenance and management plan for the entire drainage system at the site shall be submitted to the Director of Communities, Economy and Transport ensuring that the designed system takes into account the design standards of those responsible for maintenance. The plan shall include the following:
 - (i) A statement clearly setting out who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and
 - (ii) Evidence of how these responsibility arrangements will remain in place throughout the life time of the development.The plan shall be implemented in accordance with the approved details.

Reason: To ensure the drainage system is properly maintained to minimise the risk of flooding in accordance with Policies EN6 and EN7 of the Rother District Local Plan Core Strategy 2014 and Policy DEN5 of the Rother District Development and Site Allocations Local Plan 2019.

6. Prior to the occupation of the new main building evidence, including photographs, shall be submitted to the Director of Communities, Economy and Transport which show that the surface water drainage system has been constructed in accordance with the agreed detailed drainage design the subject of Condition 4.

Reason: To ensure that the surface water drainage system is fit for purpose in accordance with Policies EN6 and EN7 of the Rother District Local Plan Core Strategy 2014 and Policy DEN5 of the Rother District Development and Site Allocations Local Plan 2019.

7. Prior to the occupation of the new main building an Ecological Strategy report shall be submitted to the Director of Communities, Economy and Transport for approval in writing and shall include:
 - (i) The measures which will be undertaken to protect and manage the retained habitats within the site to the benefit of biodiversity and a timeframe for their implementation; and
 - (ii) The measures which will be included as part of the development which will provide for a net gain in biodiversity and a timeframe for their implementation.

The Ecological Strategy shall be carried out in accordance with the approved details.

Reason: In the interests of protecting and enhancing biodiversity in accordance with Policy EN5 of the Rother District Local Plan Core Strategy 2014 and Policy DEN4 of the Rother District Development and Site Allocations Local Plan 2019.

8. During any form of earthworks and/or excavations undertaken in the demolition/construction phases of the development suitable wheel washing equipment shall be provided within the site the details of which shall be first approved in writing by the Director of Communities, Economy and Transport. The approved equipment shall thereafter be used to clean vehicles leaving the site.

Reason: In the interests of highway safety and the amenities of the locality, in accordance with Policy OSS4 of the Rother District Local Plan Core Strategy 2014.

9. The new main building shall not be occupied until a full and updated Travel Plan has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The Plan shall stipulate the undertaking of an annual review and a named post as the co-ordinator for the Travel Plan. The Plan shall be completed in accordance with the latest

guidance from the Department of Transport and after approval shall be implemented in full.

Reason: To promote more sustainable modes of transport in accordance with Policies TR2 and TR3 of the Rother District Local Plan Core Strategy 2014 and the provisions of Part 9 of the National Planning Policy Framework 2019.

10. Prior to the commencement of the construction works of the new main building above ground level a Section 278 (Highways Act 1980) legal agreement shall be completed setting out the requirements of the off-site highway works as agreed with the Highway Authority.

Reason: To secure appropriate works to the public highway in the interests of safety and amenity and to accord with Policies OSS4 and TR3 of the Rother District Local Plan Core Strategy 2014.

11. The new main building shall not be occupied until the required off-site highway works have been completed in accordance with the details set out in the Section 278 (Highways Act 1980) legal agreement the subject of Condition 10.

Reason: To secure appropriate works to the public highway in the interests of highway safety and amenity in accordance with Policies OSS4 and TR3 of the Rother District Local Plan Core Strategy 2014.

12. Electric vehicle charging infrastructure shall be installed for the future installation of single phase 16Amp, 3.6kW EV charging units, complete with appropriate demand control technology. Space for the necessary switchgear and control equipment shall be identified and allocated for the future installation of this equipment. Infrastructure to facilitate the future installation of a TT earthing system will be identified and provided only.

Reason: To secure the ability for electric vehicle charging units to be installed in the future, in accordance with Policy TR2 of the Rother District Local Plan Core Strategy 2014 and the provisions of Part 9 of the National Planning Policy Framework 2019.

13. The operational noise rating level of all external mechanical services associated with the new development shall be no more than 36 dB(A) at all times during the day and no more than 29 dB(A) at all times during the night when determined at the façade of the nearest noise sensitive receptor and in accordance with BS 4142:2014+A1:2019.

Reason: To safeguard the amenities of occupiers of nearby properties, in accordance with Policy OSS4 of the Rother District Local Plan Core Strategy 2014 and Policy DEN7 of the Rother District Development and Site Allocations Local Plan 2019.

14. Any tree or shrub that is planted and thereafter dies, becomes diseased, is uprooted or damaged within five years from the date of planting shall, during the next available planting season, be replaced with a tree or shrub of a similar size and species, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of securing an acceptable landscaping scheme for the site.

INFORMATIVES

1. The Applicant's attention is drawn to the need to apply to the Pevensey and Cuckmere Water Level Management Board for consent to discharge surface water runoff into the Board's drainage district which lies partly within the application site.
2. The Applicant's attention is drawn to the provisions of: The Wildlife and Countryside Act 1981, as amended, particularly in relation to breeding birds, reptiles, bats, Great Crested Newts and other protected species and to The Badgers Act 1992.
3. The Applicant's attention is drawn to the need to meet the minimum dimensions for all parking spaces and that any works to the public highway will need to be secured by agreement with the Highway Authority. The applicant should contact the Transport Development Control Team (Tel: 01273 482254) to commence this process.

Schedule of Approved Plans

114584-JWA-ZZ-00-DR-A-1201-S2-P08 - Proposed Ground Floor Plan, 114584-JWA-ZZ-01-DR-A-1211-S2-P07 - Proposed First Floor Plan, 114584-JWA-ZZ-02-DR-A-1221-S2-P05 - Proposed Roof Plan, 114584-JWA-ZZ-ZZ-DR-A-0001-S2-P05 - Location Plan, 114584-JWA-ZZ-ZZ-DR-A-0101-S2-P08 - Building Demolition Plan, 114584-JWA-ZZ-ZZ-DR-A-0103-S2-P04 - Proposed Site Plan, 114584-JWA-ZZ-ZZ-DR-A-0301-S2-P04 - Proposed Site Sections, 114584-JWA-ZZ-ZZ-DR-A-3201-S2-P04 - Facade Details, 114584-JWA-ZZ-ZZ-DR-A-3901-S2-P08 - Enlarged Elevations, 114584-JWA-ZZ-ZZ-DR-A-4001-S2-P04 - Proposed Sections, 114584-JWA-ZZ-ZZ-PP-A-2901-S2-P04 - Samples External Materials, 114584-JWA-ZZ-ZZ-DR-A-3010-S2-P01 - Retained Building Proposed Elevations, HD10995_11 Rev A PTK - Site Plan, PL202-W - Toilet Block, Elevations and Floor Plan, HD/10955/09 B - Classroom Block 1 - Elevations - Proposed Layout Ultima Complex, HD/10955/09 B - Classroom Block 1 Sheet 1 of 3 - Ground Floor - Proposed Layout Ultima Complex, HD/10955/09 B - Classroom Block 1 Sheet 2 of 3 - First Floor Proposed Layout Ultima Complex, HD/10955/09 B - Sheet 3 of 3 Second Floor Proposed Layout Ultima Complex, HD/10955/01 E - Classroom Block 2 - Proposed layout 6 on 6 on 6 UK 123 Ultima Modules, HD/10955/01 E - Classroom Block 2 - Elevations proposed Layout 6 on 6 on 6 UK123 Ultima Modules, PL202W - Portaloo Specification Sheet, DQ2692 D - Reception Cabin - Specification Drawing SL072 Lodastrut Leg Option, 114584-ALA-ZZ-XX-DR-

L-0001 P08 - Landscape General Arrangement, 114584-ALA-ZZ-XX-DR-L-0002 P04 - Illustrative Masterplan, 114584-ALA-ZZ-XX-DR-L-0004 P06 - Site Sections, 114584-ALA-ZZ-XX-DR-L-0007 P04 - Fencing and Secure Lines, 114584-ALA-ZZ-XX-DR-L-0008 P04 - Access and Circulation, Design and Access Statement, Design and Access Statement for Temporary Units, Arboricultural Survey, Noise Assessment Report, Flood Risk Assessment, Drainage Statement, Ventilation & Extraction Details, Preliminary Ecological Appraisal and Bat Roost Potential Survey, Bat and Reptile Survey Report, Great Crested Newt Survey Report, Intrusive Geo-Environmental and Geotechnical Site Investigation, Transport Statement, Travel Plan, Outline Construction Logistics Plan, Air Quality and Dust Management Plan, September 2020, External Lighting Scheme Lux Levels P01, Construction Environmental Management Plan, September 2020, Construction Surface Water Management Plan, September 2020, Indicative Site Plan (external lighting for temporary blocks) HD/110995/11 RevA, External lighting details (by email dated 30/09/2020), Outline Landscape Specification 0017 Rev P02, Tree Retention Plan 0016 Rev P02, Planting Plan (1 of 2) 0013 Rev P02, Planting Plan (2 of 2) 0014 Rev P02

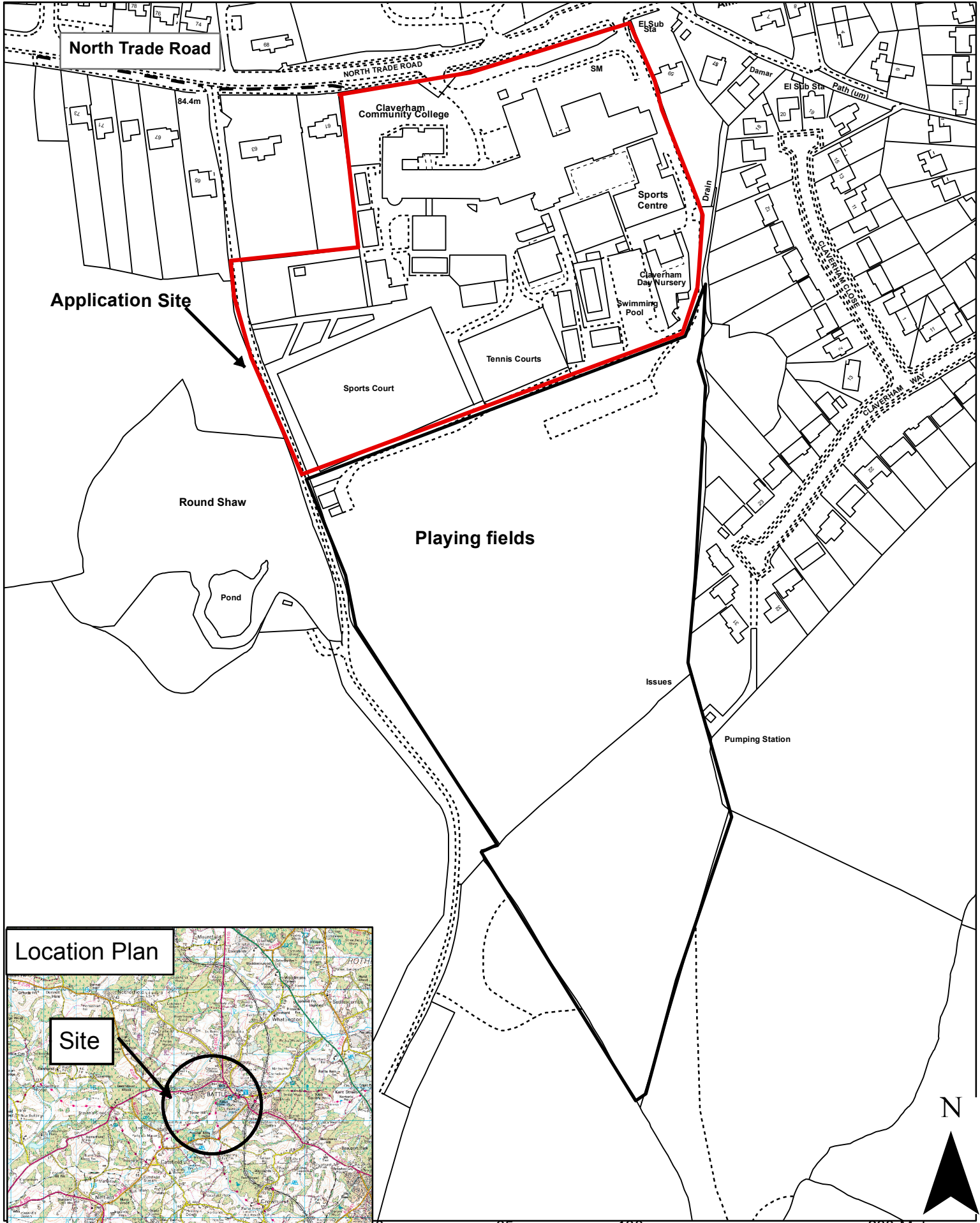
RUPERT CLUBB

Director of Communities, Economy and Transport
6 October 2020

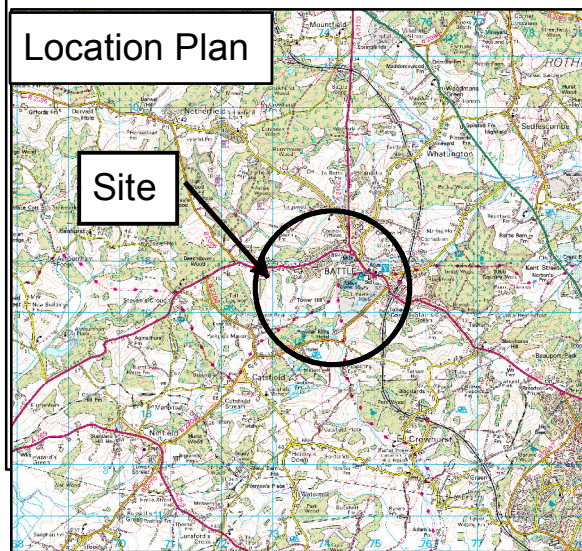
BACKGROUND DOCUMENTS

Application file RR/3420/CC
The Development Plan
The National Planning Policy Framework 2019
Planning Policy Statement for Schools 2011
The High Weald Management Plan 2019

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Location Plan



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