



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 11.00 am WEDNESDAY, 13 OCTOBER 2021

++ PLEASE NOTE START TIME. THE MEETING WILL TAKE PLACE IN PERSON ++

COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Tom Liddiard (Chair)
Councillors Abul Azad, Kathryn Field, Eleanor Kirby-Green, Pat Rodohan,
Barry Taylor (Vice Chair) and Trevor Webb

AGENDA

1. Minutes of the meeting held on 14 July 2021 (*Pages 3 - 4*)
2. Apologies for absence
3. Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
4. Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.
5. Development Management update (*Pages 5 - 24*)
Report by the Director of Communities, Economy and Transport

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

6. TRO - Prohibition of Driving Order - Junction Road, St Leonards on Sea (*Pages 25 - 34*)
Report by the Director of Communities, Economy and Transport
7. Any other items previously notified under agenda item 4

PHILIP BAKER
Assistant Chief Executive
County Hall, St Anne's Crescent

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*

LEWES BN7 1UE

5 October 2021

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

Agenda Item 1

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 14 July 2021.

PRESENT Councillors Abul Azad, Kathryn Field, Tom Liddiard (Chair), Matthew Milligan, Barry Taylor (Vice Chair) and Trevor Webb

ALSO PRESENT Via MS Teams Councillor Johnny Denis

1 MINUTES OF THE MEETING HELD ON 10 MARCH 2021

1.1 The Committee approved as a correct record the minutes of the meeting held on 10 March 2021.

2 APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillors Pat Rodohan and Eleanor Kirby-Green.

2.2 It was noted that Councillor Matthew Milligan was in attendance as a substitute for Councillor Kirby-Green.

3 REPORTS

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

4 LEWES DISTRICT PARKING REVIEW 2020/21

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

4.2 Councillor Johnny Denis, the Local Member for the sites concerned, spoke in support of the officer recommendation in respect of Sites 1 and 9.

4.3 Members have considered the report and comments of the Local Member, and agree with the conclusions and reasons for recommendation as set out in paragraph 3 of the report and Appendices 1 and 2.

4.4 The Committee RESOLVED to (1) uphold the objections set out in Appendix 1 of the report;

(2) not uphold the objections set out in Appendix 2 of the report; and

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

5 DEVELOPMENT MANAGEMENT UPDATE

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

5.2 The Committee RESOLVED to note the report.

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Committee	Regulatory Planning Committee
Date	13 October 2021
Report by	Director of Communities, Economy and Transport
Subject	Development Management Update
Purpose	To inform Members about matters relating to planning enforcement undertaken under delegated powers for the period between 1 June 2021 and 30 September 2021 and provide an update on appeals.
Contact Officer:	Sarah Iles – 01273 481631
Local Members:	All

SUMMARY OF RECOMMENDATIONS

The Committee is recommended to note the report.

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. Enforcement

1.1 In the period between 1 June 2021 and 30 September 2021, inclusive, there were twenty six new complaints about alleged breaches of planning control. Of the new cases, sixteen were resolved within the reporting period and three older cases were also resolved. Accordingly, the number of sites being investigated or subject to formal action at the end of September 2021 was sixteen. This represents an increase of seven in the number of cases that were outstanding at the end of the previously reported period (1 October 2020 – 31 May 2021). Despite an increase in the number of outstanding cases, this is still an encouragingly low number and is manageable.

1.2 In respect of specific cases, officers have been dealing with a case at 187 London Road, Hailsham. The history of the site is that waste materials, in particular scrap metal, had been imported and were being stored in the garden and at the rear alley of the residential property. An Enforcement Notice was served on the landowners in 2014, which required the cessation of the importation and storage of waste and its removal. The requirements of the Enforcement Notice were not complied with and the landowners were prosecuted in 2016. Despite the landowners pleading not guilty and the matter going to trial, they were found guilty and fined. Following this successful prosecution, further breaches of the Enforcement Notice occurred and waste was again stored at the site. In this instance, it was considered that a further prosecution would not secure the clearance of the site and the Council exercised its default powers and undertook Direct Action in 2017 to clear the site of the waste. This resolved the breach of the Enforcement Notice at that time.

1.3 Although the requirements of the Enforcement Notice were met, it remained extant – despite it having been served in 2014. Consequently, when complaints were received in 2020 regarding further waste being imported and stored at the site, and investigations confirming this, a breach of the Enforcement Notice occurred, which continues to be a criminal offence. Despite the landowner being requested to clear the site, he chose not to do so and the Council decided to prosecute him once again. The landowner was Summoned to appear before Hastings Magistrates' Court in June 2021 (deferred date from January 2021), but he failed to appear. The Magistrates issued a warrant for his arrest, without bail, and the landowner was arrested and appeared at Brighton and Hove Magistrates' Court on 19 July 2021, where he pleaded guilty to the offence of breaching the Enforcement Notice. The Judge deferred sentencing for two months, to allow the landowner a further opportunity to clear the waste from the site. Prior to the sentencing hearing, officers

undertook a site visit, which noted that the site had been cleared. At the hearing on 20 September 2021 the landowner was sentenced to a fine of £1,000, ordered to pay costs of £1147.17 and also a £100 victim surcharge.

1.4 The particular case above demonstrates that although an Enforcement Notice may have been served a number of years ago, it remains extant and the Council can, and will, take steps to ensure continued compliance with an Enforcement Notice.

1.5 Appendix 1 of this Report provides details of cases resolved and received within the period 1 June 2021 and 30 September 2021, 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. Appeals

2.1 There is currently one outstanding appeal, which 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. Initially the appeal was to be dealt with through the written representation procedure, but this was changed by the Planning Inspectorate to a Hearing. The Hearing is due to take place on 20 October 2021, at County Hall, and is scheduled to last for one day. Third parties have been notified of the Hearing and may attend if they wish, although their participation is at the discretion of the appointed Inspector. Members will be updated on progress in future reports.

3. Contact Officers

3.1 Members with any queries about enforcement matters should contact either Sarah Iles (01273 481631) or Robert Shapter (01273 335218). Members with queries relating to the appeal should contact either Jeremy Patterson (01273 481626) or Sarah Iles.

RUPERT CLUBB
Director of Communities, Economy and Transport
04 October 2021

Local Members: All

BACKGROUND DOCUMENTS

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

TABLE 1 - BREACHES OF PLANNING CONTROL PREVIOUSLY INVESTIGATED AND RESOLVED BETWEEN 1 JUNE 2021 AND 30 SEPTEMBER 2021

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
1/1	August 2020	187 London Road, Hailsham	Importation, deposit, and storage of waste	<p>A complaint was received that waste materials were again being stored in the rear garden of this site. The County Council previously dealt with matters at this site, which resulted in the service of an Enforcement Notice in 2014, and which is still extant.</p> <p>Following the complaint, 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 was an offence to breach the Enforcement Notice and that he had previously been successfully convicted of this offence.</p> <p>A further site visit was carried out and it was noted that some of the waste had been removed from the site. Due to various circumstances, the landowner wrote to officers requesting an extension of time to complete the removal of the waste. An extension of time was granted and, after this had expired a further site visit was carried out. There was still waste being stored within the rear garden of the property, which continued to be in breach of the Enforcement Notice and therefore a criminal offence. Consequently, the landowner was Summoned to appear at Hastings Magistrates for failing to comply with the requirements of the Enforcement Notice. This case was initially listed for hearing on 29 January 2021 but was deferred to 29 June 2021 because of the backlog of cases caused by the lockdown restrictions imposed to fight the Coronavirus pandemic.</p> <p>Prior to the revised date for the Court hearing, the landowner was given a further opportunity to clear the site, on the basis that if this was done by 11 June 2021, then the County Council would discontinue proceedings against him.</p> <p>Regrettably, the landowner did not comply by clearing the site and was Summoned to</p>

				<p>appear at Hastings Magistrates Court on 29 June 2021. The landowner then failed to appear at Court on that date and an arrest warrant without bail was issued.</p> <p>The landowner was subsequently arrested on the warrant on 19 July 2021 and appeared at Brighton & Hove Magistrates' Court on 19 July 2021, where he pleaded guilty. The case was then remanded until 20 September 2021, with the Court providing a final opportunity for the landowner to clear the site of the imported waste or risk being committed to Crown Court, which has greater powers of sentencing.</p> <p>Officers from the County Council undertook a site visit just prior to the Magistrates' Court hearing and were satisfied that the site was again in compliance with the requirements of the Enforcement Notice.</p> <p>On 20 September 2021 the landowner appeared at Brighton & Hove Magistrates' Court for sentencing, and was sentenced to a fine of £1,000, ordered to pay costs of £1147.17 and a £100 victim surcharge.</p> <p>It is now considered this matter has been resolved. However, the Enforcement Notice remains extant and officers will undertake unannounced site monitoring visits to ensure continued compliance with the requirements of the Enforcement Notice.</p>
1/2	January 2021	Hailsham Roadways, Woodside Depot, Polegate	Breach of Condition (Noise)	<p>A complaint was received that this site was breaching the condition attached to the planning permission relating to the level of noise that can be emitted from the site during operations.</p> <p>Informal monitoring was undertaken and further investigations have identified that the planning permission granted by this Authority (WD/843/CM) has not yet been implemented. No breach of planning control identified, and no further action required.</p>
1/3	May 2021	Allsworthy, Hailsham Road, Stone Cross	Importation, deposit and burning of waste	<p>A complaint was received that waste materials were being imported into the site and were being burnt.</p> <p>Several site visits were carried out and contact made with the landowner. The waste was site derived and had not been imported into the site, and was being collected before being removed from the site. No breach of breach of planning control identified and no further action required.</p>

TABLE 2 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED AND RESOLVED BETWEEN 1 JUNE 2021 AND 30 SEPTEMBER 2021

	DATE LPA BECAME AWARE OF BREACH	SITE	NATURE OF CASE	CURRENT POSITION
2/1	June 2021	Expert Services Group, Unit 2, Railway Road, Newhaven	Importation and deposit of waste - scrap metal	<p>A complaint was received alleging that waste materials were being imported into and deposited at this site.</p> <p>A site visit was undertaken, which confirmed that a small quantity of waste materials, comprising scrap metals, had been imported into the site and stored in skips. A meeting was held with the operator, who explained that this site was his temporary office whilst major structural repairs were being undertaken to his main site in Seaford, which has the benefit of planning permission.</p> <p>The requirement for planning permission for the importation of waste into this site was explained to the operator, who decided that as he was using the site for such a short period of time, he would cease the use of the site for this activity. A short timescale in which to remove the imported waste from the site was agreed and a subsequent site visit confirmed that all the waste had been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
2/2	June 2021	Veolia WTS and HWRC, Freshfields Road, Pebsham, Bexhill	Breach of Condition - odour	<p>A complaint was received that the doors to the waste transfer building were being left open which was allowing odours to escape, which the complainant felt was a breach of the planning conditions that are attached to the planning permissions for the site.</p> <p>Several site visits were undertaken, and no breaches of the conditions were identified. During the course of the investigation of this matter, the complainant</p>

				<p>contacted officers further to state that this site was not in fact the source of the odours being experienced and they appeared to be coming from the nearby Wastewater Treatment Works. The issue of odour from the Wastewater Treatment Works is subject to separate investigations – see Table 3, entry 3/1 below.</p> <p>As there were no further planning issues in respect of this site, there is no breach of planning control to be investigated and no further enforcement action is required.</p>
2/3	June 2021	Hillcroft Farm, Royal Oak Lane, Crowhurst	Importation and deposit of waste – soils	<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, which confirmed that soils were being imported into the site in connection with an agricultural barn development, which has the benefit of planning permission granted by Rother District Council (RR/2018/1322/FN).</p> <p>Therefore, there is no breach of planning control and no further action is required by this Authority.</p>
2/4	June 2021	8 Grovelands Road, Hailsham	Importation and deposit of waste - waste wood	<p>A complaint was received alleging that waste materials, comprising waste wood, were being imported into and deposited at this site. A site visit was undertaken, which confirmed that a quantity of waste wood had been imported into the site.</p> <p>An initial meeting was held with the landowner, who agreed to remove the imported waste wood. A short timescale for the removal of the waste wood was agreed. A further site visit has now been undertaken and the imported waste wood has been removed from the site.</p> <p>The breach of planning control has therefore been resolved and no further enforcement action is required.</p>
2/5	June 2021	Hardstanding outside Unit 7, Harbour Enterprise	Importation and deposit of waste electrical goods	<p>Officers attending the Industrial Estate in connection with other matters observed that a number of electrical white goods (fridge, freezers etc.) were</p>

		Estate, Newhaven		<p>stored in the open.</p> <p>Contact was made with the landowner and tenant. The tenant explained that one of his clients had stored the items on the hardstanding temporarily, prior to them being exported. The tenant asserted the items were not waste, but agreed to have them removed from the site, and a timescale to achieve this was agreed.</p> <p>Following the expiry of the agreed timescale, a further site visit was carried out which confirmed that all the white electrical goods had been removed.</p> <p>Breach of planning control resolved and no further enforcement action is required.</p>
2/6	June 2021	Home Farm Logs, Perrymans Lane, Herons Ghyll	Importation and deposit of waste – soils	<p>A complaint was received alleging that waste materials, comprising soils, were being imported into, deposited, and stored at the site. An initial site visit was undertaken, which appeared to indicate freshly deposited waste materials at the site. Contact was made with the landowner, who stated that after a period of extremely poor weather during the winter, a landslide had occurred which had badly damaged the forestry building on the site and washed out a large area of hardstanding.</p> <p>A joint site meeting was then held with the landowner and an officer from Wealden District Council. The landowner explained that in order to be able to access the building and effect repairs, it was necessary to move the slipped material to another area of the site. It was stated that no waste materials had been imported into the site and it had all been generated from the landslip within the site.</p> <p>It was evident from the site visit that further engineering works to the banks at the rear and side of the forestry building would be necessary to prevent further landslips and minimise risks to employees and the landowner. The landowner has agreed to employ a qualified engineer to undertake site assessments regarding the banks, and once this information is assessed, submit a planning</p>

				<p>application to Wealden District Council to seek authorisation for any engineering works that may be required.</p> <p>This matter is therefore being dealt with by Wealden District Council and there is no further action required by this Authority, in its capacity as Waste Planning Authority.</p>
2/7	June 2021	Land south of Tinkers Field, Main Road, Hadlow Down	Importation and deposit of waste - hardcore	<p>A complaint was received alleging that waste materials, comprising hardcore, were being imported into, deposited, and stored at this site. An initial site visit failed to specifically identify any deposits of waste at the site, so a site meeting was arranged with the landowners. At this site meeting, the landowners confirmed that hardcore had been imported into the site to effect a repair to one of the existing tracks on the site, which had suffered water damage and damage from the passage of heavy steam traction engines over it. The material excavated from the damaged track had been temporarily stockpiled at the site to be re-used in other small track repairs on the site.</p> <p>These repair works are considered to be permitted development and do not require express planning permission. Therefore, there is no breach of planning control and no further enforcement action is required.</p>
2/8	June 2021	Luckhurst, Down Oak Farm, Westfield	Importation and deposit of waste	<p>A complaint was received alleging that waste materials, comprising wood, were being imported into, and deposited, at this site. The complainant also alleged that other breaches of planning control, which fall outside of the County Council's remit as Waste Planning Authority, were also taking place at the site.</p> <p>A joint site visit was arranged with an officer from Rother District Council, where no evidence of waste importation was seen. However, there were planning issues for Rother District Council to deal with.</p> <p>Currently, there is no breach of planning control for this Authority to deal with and no further enforcement action is required.</p>

2/9	June 2021	Woodbrook Farm, South Chailey, Lewes	Importation and deposit of waste - chalk	<p>A complaint was received alleging that waste materials, comprising chalk, were being imported into and deposited at this site. A site visit was undertaken, which confirmed that materials had been imported, but were being used at the site to create a long access track from the A275 Lewes Road, Chailey to connect Woodbrook and Hurst Barns Farm, East Chiltington. The development has the benefit of planning permission granted by Lewes District Council (LW/18/0378).</p> <p>No breach of planning control and no further action is required by this Authority.</p>
2/10	July 2021	Robertsbridge Community College, Knelle Road, Robertsbridge	Breach of Conditions (construction hours)	<p>A complaint was received that builders were working on school buildings on Saturdays and Sundays, which the complainant believed constituted a breach of the planning conditions for developments at the site. A site visit was undertaken, during the course of which a meeting was held with the works manager, the premises manager and the School's business manager.</p> <p>The works being undertaken at the weekend were for the internal refurbishment of the School's science block. As all the works were internal, specific planning permission was not required and therefore there was no breach of planning control.</p> <p>The works manager and school staff were advised that even though planning permission was not required, the noise being generated could constitute a statutory noise nuisance and were therefore requested to confine the noisier aspects of the refurbishment to normal working hours of the working week and to try and avoid noise at weekends.</p> <p>No breach of planning control identified, and no further enforcement action required.</p>
2/11	July 2021	Luxford Close, Uckfield	Deposit of waste	<p>A complaint was received that waste materials, comprising household goods, were being imported into and deposited on a grassed area in Luxford Close, Uckfield. A site visit was undertaken and during this site visit it was noted that the alleged waste materials were in fact children's toys, which were being</p>

				<p>played with by children during the officer's site visit.</p> <p>The materials are not considered to be waste and there is no breach of planning control for this Authority to deal with.</p>
2/12	August 2021	60 St Annes Close, Willingdon	Importation and deposit of waste - building and construction waste	<p>A complaint was received alleging that building and construction waste was being imported into and deposited at this site from an unknown origin. A site visit was undertaken, during the course of which a meeting was held with the landowner. The landowner explained that the waste had all been generated from extensive building refurbishment that he was undertaking at the address, and this was borne out by the officer's observations during the site visit.</p> <p>No breach of planning control identified and no further enforcement action is required.</p>
2/13	August 2021	Former Shep Plastics site, A22, Lower Dicker	Importation and deposit of waste - soils and hardcore	<p>A complaint was received that waste materials, comprising soils and hardcore, were being imported into and deposited at the site. A site visit was undertaken, during which a meeting was also held with the landowner. The landowner stated that the hardcore was imported in connection with the change of use of the building at the front of the site into residential accommodation. This change of use has the benefit of planning permission granted by Wealden District Council.</p> <p>Some other works were also being undertaken at the site to change another building into a children's play area, again with the benefit of planning permission granted by Wealden District Council.</p> <p>The landowner explained that the soils were imported into the site to grade out the field at the rear of the buildings to return the field to a suitable standard for grazing. These grading works, as described by the landowner, were considered to be an engineering operation, which may require planning permission. The landowner was advised to cease any further importation of materials until the planning situation had been resolved, which he agreed to do. The landowner was advised to contact the Planning Department of Wealden District Council regarding these works, and officers at Wealden District have been informed of the engineering works in the field.</p> <p>No breach of planning control for this Authority, in its capacity as Waste Planning Authority, and no further enforcement action is required.</p>

2/14	August 2021	1 Chestnut Close, Hailsham	Importation and deposit of waste - building and construction waste	<p>A complaint was received that building and construction waste materials were being imported into this site and bulked up in a skip. A site visit was undertaken, which confirmed that a skip on the site was being used for waste materials, but there was nothing contained within the skip to identify the origin of the waste materials.</p> <p>Contact was later made with the landowner, who stated that the skip was on the site to specifically deal with waste generated from works to his own property and strongly denied that any waste was imported into the site and deposited in the skip. The landowner stated that although he worked as a builder, he used skips at client's sites to manage waste generated at those sites, as opposed to taking the waste back to his own property.</p> <p>As the skips are on site to manage waste generated from within that site, there is no requirement for specific planning permission from this Authority. No breach of planning control identified and no further action is required.</p>
2/15	September 2021	Plot 38 Groombridge Grove, Park Corner Lane, Groombridge	Importation and deposit of waste - hardcore	<p>A complaint was received by Wealden District Council, alleging that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken, which showed that some hardcore had been deposited at the site. The hardcore was of a size and appearance to indicate that it had been processed to make it uniform. It was deposited on the earth base of the existing barn on the site, clearly to establish a solid base for the barn. The hardcore appeared to be suitable and proportionate for its use.</p> <p>This is not considered to be a breach of planning control for this Authority, in its capacity as Waste Planning Authority, and the matter has been referred to Wealden District Council for their information/action as they may deem appropriate.</p> <p>No further action required by this Authority.</p>
2/16	September 2021	Land at Church Lane, Etchingam	Importation and deposit of waste - hardcore	<p>A complaint was received that waste materials, comprising hardcore, were being imported into and deposited at the site. A site visit was undertaken and a small quantity of processed hardcore was found on the site, along with a stockpile of green waste.</p> <p>On examination of the site, it was clear that vegetation was site derived and not imported and that the hardcore had been used to facilitate deer fencing posts that have</p>

recently been erected inside the chestnut pale fencing around the site boundary.
There is no breach of planning control for this Authority and no further action required.

TABLE 3 - NEW BREACHES OF PLANNING CONTROL INVESTIGATED BETWEEN 1 JUNE 2021 AND 30 SEPTEMBER 2021 AND AS YET UNRESOLVED.

	DATE LPA BECAME AWARE OF BREACH	SITE ADDRESS	NATURE OF CASE	CURRENT POSITION
3/1	June 2021	Bexhill & Hastings WWTW, Freshfields Road, Pebsham, Bexhill-on-Sea Note: This is the site referred to in Table 2, entry 2/2 above	Breach of Conditions – lighting and odour	A complaint was received alleging that lights were being left on at the site until late in the evening, and that odours were escaping from the site. If this is the case, it could constitute a breach of the planning conditions that are attached to the planning permissions that relate to the site. Unannounced site monitoring visits are currently being undertaken in order to verify the details of the complaint. Contact will also be made with the operator.
3/2	June 2021	Unit 3A Quarry Road Industrial Estate, Newhaven	Importation and deposit of waste – end of life vehicles	A complaint was received that end-of-life vehicles were being imported into the site and were being broken up for their component parts, to be re-sold on the second-hand market. A joint site meeting with the Environment Agency and the operator was arranged, during the course of which the operator admitted to breaking end-of-life vehicles at the site and operating a car servicing/repair operation. It was clear to the attending officers that the major activity taking place on the site was the breaking of vehicles and the requirement for planning permission and an environmental permit for this activity was explained to the operator. Initially, the operator indicated he wanted to seek planning permission and environmental permitting for this site, but following a meeting with the landowner, he found that the landowner would not support any application seeking a waste use on the site. Consequently, the operator has decided to cease the breaking of vehicles at

				<p>the site and requested some time to clear the site. A timescale has been agreed and both agencies are holding regular meetings with the operator at the site to ensure the site is cleared within the timescale agreed.</p>
3/3	June 2021	Former HT Drinks Site, Endeavour Works, Beach Road, Newhaven	Importation and bulking up of waste tyres.	<p>A complaint was received that waste tyres were being imported into this site and were being bulked up. A joint site visit was undertaken with an officer from the Environment Agency, which confirmed the substance of the complaint.</p> <p>A meeting was also held with the site operator, at which the requirement for planning permission and an environmental permit was explained to him. The operator stated his intention to apply for planning permission and an environmental permit, and a timescale was agreed for him to submit the necessary applications.</p> <p>The agreed timescale for the submission of a planning application expired without any application being submitted. Officers therefore undertook a further site visit to check the situation at the site. This confirmed that the site was continuing to be used for the unauthorised waste activity.</p> <p>Contact was again made with the operator, who stated that the planning application was being prepared and would be submitted in the next few days. Following that conversation, the operator's agent contacted the County Council to state that there would be a delay in the submission of the application as he was away from work and a further extension of time was therefore agreed.</p> <p>This further extension of time has now also elapsed and no planning application has been submitted. Therefore, a Temporary Stop Notice will be prepared and served on the operator and all other parties with an interest in the land. The Temporary Stop Notice will seek the cessation of the activity at the site.</p>
3/4	June 2021	Spring Valley Farm, West Street Lane, Maynards Green	Importation and deposit of household waste	<p>A complaint was received that household waste was being imported into this site in small vans by different operators and deposited.</p> <p>A joint site visit was carried out with the Environment Agency, which confirmed the details contained within the complaint. A meeting was also held with the landowner, who agreed to halt any further importation into the site and to clear the site of the</p>

				<p>waste that had already been imported.</p> <p>There are a number of issues relating to the site and, due to the landowner's poor health, multiple agencies are working with the landowner and his family to ensure that the site is cleared.</p>
3/5	June 2021	Paul's Mini Skips, Unit 13 Chaucer Industrial estate, Dittons Road, Polegate	Change of Use of site	<p>A complaint was received that part of this site, which is an authorised waste transfer station, had been changed into a containerised self-storage operation. A site visit was undertaken which confirmed the details of the complaint.</p> <p>Contact was made with the site operator, and the requirement for a change of use planning application was explained to the operator, who stated that he would apply seeking to regularise this change of use.</p> <p>A planning application has now been submitted (WD/856/CM) and is currently under consideration.</p>
3/6	July 2021	Skilton Skips, AS Farm, The Warren, Crowborough	Importation, deposit and processing of waste	<p>Officers visiting the site in connection with another matter noticed that the operators of the site were importing waste, depositing it on the ground and processing it by manually sorting it, before bulking up separate waste streams in various skips. The nature of this type of activity requires specific planning permission, which the site does not have the benefit of.</p> <p>Discussions were held with the operators, and the requirement for planning permission was explained. The operator stated that, due to an inter-family land dispute, he is currently unable to attempt to seek to regularise the activity on the site. He therefore agreed to cease any further importation, deposit, and processing of waste at this site.</p> <p>Officers are currently undertaking unannounced site monitoring visits to ensure that waste is not being imported and processed at this site, pending the resolution of the land dispute.</p>

3/7	August 2021	125 Eastbourne Road, Willingdon	Importation, deposit and storage of waste	<p>A complaint was received that waste from a household waste collection service was being imported into and deposited at this site. A joint site visit was undertaken with an officer from Wealden District Council, which identified some waste on the site.</p> <p>A meeting was held with the landowner, who stated that the waste was mostly site derived. However, he admitted that the site was untidy and requested to be allowed some time in which to clear the waste. This was agreed, and a further site visit will be undertaken in due course to check that the waste has been cleared from the site.</p>
3/8	September 2021	Kiowa, Station Road, Buxted	Importation, deposit, and storage of scrap metal	<p>A complaint was received alleging that scrap metal waste was being imported into and deposited at this site. The complaint also alleged that there were other breaches of planning control at the site, which fall outside the remit of this Authority.</p> <p>A joint site visit with officers from Wealden District Council was undertaken, but it was not possible to access the site. A further site visit is currently being arranged.</p>
3/9	September 2021	Keywords Wood, Hoadleys Lane, Crowborough	Importation and deposit of waste – soils	<p>A complaint was received alleging that waste materials, comprising soils, were being imported into the site and deposited. A joint site visit with an officer from the Environment Agency was carried out, which identified that areas within the wood appeared to have been built up with imported materials.</p> <p>A further site meeting was held with the landowner and an officer from Wealden District Council. The landowner stated that a hardstanding area on the site had been in situ for a number of years and that materials were being imported to repair existing forestry tracks.</p> <p>Investigations are currently ongoing and a further site meeting is proposed.</p>
3/10	September 2021	Clearview, Nursery Lane, Wivelsfield Green	Importation and deposit of waste	<p>A complaint was received that waste materials were being imported into and deposited at this site. An initial site visit has been carried out, which appeared to indicate that the site is being used as a builder's yard. Further investigations are continuing into the use/activities at the site.</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 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 took place regarding agreeing a timescale for the removal of the materials.</p> <p>As a result of the Coronavirus pandemic lockdowns, the operator had not been able to remove much of the waste that was stored on the site. However, since the lockdown has been eased, progress has been made and some of the waste has now been removed.</p> <p>Regular site visits are continuing to be undertaken to monitor the operator's progress in removing the waste from the site.</p>
4/2	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 then 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 Coronavirus Pandemic prevented further progress in this matter. However, contact was maintained with the landowner in order to progress matters.</p> <p>A further meeting was then held with the landowner and an initial course of action was agreed, which was the moving of the bunds of material to outside of the crown spread of the trees.</p> <p>Initially there had been no progress made because of the waterlogged ground conditions and the site needed a considerable period of dry weather to improve the ground conditions to allow work to start. However, works were then due to commence to remove the bunds.</p> <p>A further meeting has recently been held with the site operators and progress is being made in moving the bunds from under the crown spread of the trees. Further works to resolve the breach of planning control have been identified and officers are maintaining regular contact with the landowner.</p>
4/3	July 2020	Rideout Agricultural, Dunly Wood, Cross-in-hand	Importation, deposit, and processing of waste	<p>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.</p> <p>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.</p> <p>A planning application (WD/847/CM) was subsequently submitted to the County Council and refused by the Planning Committee on 10 March 2021. Following the refusal of planning permission, an Enforcement Notice was served on the landowner and operator on 31 March 2021, requiring the waste use of the site to cease and the site to be cleared of all the waste materials, plant and equipment. No appeal was</p>

				<p>made against the Enforcement Notice and the period of time for compliance with the requirements of the Enforcement Notice expired on 7 August 2021.</p> <p>A further site visit with the landowner was undertaken just prior to the expiry of the period for compliance with the requirements of the Enforcement Notice, and it was confirmed that whilst some elements of the Enforcement Notice had been complied with, the extension to the hardstanding had not been removed as required by the Enforcement Notice.</p> <p>The site operator then contacted the County Council and proposed a scheme for the removal of the extension to the hardstanding, albeit outside the time period required by the Enforcement Notice. Officers met the operator on site and the proposal was considered to be acceptable, and an extension for the completion of the removal of the hardstanding was agreed.</p> <p>A further site visit with an officer from Wealden District Council has recently been undertaken and the case is currently being reviewed.</p>
4/4	January 2021	Haulaway Ltd, Polegate Yard, Summerhill Lane, Polegate	Breach of Condition (Noise)	<p>A complaint was received that this site was breaching the condition relating to the amount of noise that can be emitted from the site during operations.</p> <p>Informal monitoring of the site has been carried out by officers, which has not identified any excessive noise. However, it is intended to instruct an independent contractor to carry out formal noise monitoring to assess whether activities at the site are in breach of the conditions attached to the site. This noise monitoring is currently being arranged.</p>
4/5	April 2021	Crockstead Farm Hotel, Halland	Importation and deposit of waste – soils	<p>A complaint was received that waste materials, comprising soils, were being imported into the site and deposited. A site visit was undertaken, during which a meeting was held with the operator undertaking the works, who admitted that materials had been imported into the site to improve an existing access track and to improve the land.</p> <p>At the time of the site visit, the landowner was away. A letter was sent to the landowner and a meeting was subsequently held with the site manager who explained that the materials were imported to improve the land for equestrian grazing.</p> <p>The materials imported included soils, which contained a significant quantity of</p>

				hardcore, metal and plastics, which would eventually work through to the finished surface of the site. This material was not considered to be suitable for its intended purpose and, after considering the situation, the County Council has required the materials to be removed and the original landform to be restored. The operator/landowner has been given a timescale for these remedial works to be undertaken and the site will continue to be monitored to ensure compliance.
4/6	May 2021	LS Vehicle Recycling, Lower Stoneham Farm, Lewes	Importation and breaking of end-of-life vehicle for their parts	<p>Whilst visiting another site at this location, the attending officer found this end-of-life vehicle recycling operation, which does not have the benefit of planning permission. Discussions were held with the site operator, who stated his intention to obtain planning permission and all the other necessary licences and permits that are required.</p> <p>The operator was advised to seek pre-application advice, and subsequently did so. A full planning application seeking to regularise the use is expected to be submitted shortly.</p>

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Committee:	Regulatory Planning Committee
Date:	13 October 2021
Report by:	Director of Communities, Economy and Transport
Title of Report	Traffic Regulation Order – Prohibition of Driving - Junction Road, St Leonards
Purpose of Report	To consider the objections received in response to the formal consultation on the draft Traffic Regulation Order for the Prohibition of Driving on Junction Road, St Leonards
Contact Officer:	Derek Ireland Tel: 01273 482257
Local Member:	Councillor Peter Pragnell

RECOMMENDATION

The Planning Committee is recommended to:

- 1. Not uphold the objections to the draft order as set out in Appendix 1 of this report**
 - 2. Recommend to the Director of Communities, Economy and Transport that the Traffic Regulation Order be made as advertised.**
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CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

- 1.1. The proposed Traffic Regulation Order (TRO) seeks to prohibit motorised vehicles from driving along the length of Junction Road between its existing junction with The Ridge West (A2100), southwards for a distance of 103 metres.
- 1.2. The requirement to close Junction Road to vehicular traffic forms part of the approved plans for the Queensway Gateway Road, permitted by Hastings Borough Council under planning application HS/FA/14/00832. This closure of Junction Road was also requested by the County Council, as Highway Authority, when commenting upon the aforementioned application.
- 1.3. Access for vehicles would be prevented through physical works at both its northern and southern ends. Cycle and pedestrian connectivity will remain in place and access will be allowed for maintenance vehicles through the introduction of a retractable bollard located from the south.
- 1.4. This Order, if approved would not come into effect until the Queensway Gateway Road scheme has been successfully connected with the A21.

1.5. In August 2021, the draft TRO was advertised in the local press, statutory bodies were notified and notices were placed on and in the locality of Junction Road. A copy of the proposed draft TRO is included in Appendix 2 of this report.

1.6. During the formal consultation period 4 items of correspondence were received. These include 3 objections and 1 request for additional information.

2. Comments and Appraisal

2.1. Each item of correspondence has been considered individually and a summary of the objections and officer comments are included in Appendix 1. Full copies are available in the Members' Room

2.2. Having considered the objections it is not deemed that they provide sufficient grounds to warrant the modification or withdrawal of the proposal, and the proposal would provide for the most efficient use of the public highway following the opening of the Queensway Gateway Road. It is considered that these objections should not be upheld.

2.3. The Queensway Gateway Road will provide a significant local connection between the A21 (Sedlescombe Road North) and Coombe Valley Way via Queensway, and as a consequence it is considered an appropriate route for vehicles wishing to travel from The Ridge West and the A21.

2.4. The proposed route will allow a smoother free-flow of traffic between The Ridge West and the A21 as existing turning movements into and out of Junction Road will be prohibited resulting in more reliable journey times for this section of the road network.

2.5. The Prohibition of Driving into Junction Road will reduce unnecessary slowing, stopping and braking of vehicles, which could present a highway safety issue and increase the potential for rear end shunt collisions.

2.6. The prevention of vehicles using Junction Road was proposed as part of the wider scheme relating to the Queensway Gateway Road. The prohibition of driving order will provide the appropriate mechanism for preventing motorised vehicles from utilising Junction Road.

2.7. By 2025, traffic growth and limited junction capacity in the existing network would mean that delays and their variability would significantly increase at the existing priority junctions at either end of Junction Road. The proposed routeing, although longer, would perform substantially better than the existing routeing, including for buses currently travelling in either direction on Junction Road.

2.8. It is recognised that some of the objections are seeking additional measures, or significant variations to the advertised restriction. Additional restrictions cannot be introduced by means of an amendment to this Order without further consultation. It is only possible to consider whether the advertised proposals should be implemented, or not. Although minor modifications can be allowed in responding to objections received, at this stage it is not permissible to redesign the proposal to include additional restrictions, as this may adversely

impact residents or road users without them being made aware of the changes.

3. Conclusion and reasons for approval

- 3.1. The closure of Junction Road forms part of the overall delivery of the Queensway Gateway Road, which was granted planning permission by Hastings Borough Council and has been partly implemented over the last two to three years. This scheme is expected to improve journey times and road safety in this area, as well as reducing congestion.
- 3.2. The Committee is recommended, for the reasons set out in section 2 and Appendix 1 of this report, not to uphold the objections to the draft Traffic Regulation Order and to recommend to the Director of Communities, Economy & Transport that the Order be made as advertised.

RUPERT CLUBB
Director of Communities, Economy and Transport
4 October 2021

MW – TRO Junction Road Hastings

Appendix 1 – Objections recommended not to be upheld

1. One objection was received from a bus company that currently operates services that utilise Junction Road regarding the increased journey length that would result from the closure of Junction Road for buses.
 - 1.1. Two bus routes currently use Junction Road; Route 2 (Tenterden to Hastings town centre via Conquest Hospital) and Route 101 (Rye to Conquest Hospital via Hastings Town Centre and Silverhill).
 - 1.2. A transport modal has been used to assess both the current and proposed layout on bus journey times including increased traffic flows over the coming years. Current journey times are based on data from the bus operator.
 - 1.3. The modelling shows that the proposed route would take longer than the existing route for all Route 2/101 buses on average, but (in most cases) less time when delays at Junction Road are at their maximum, at all times of day, based on 2019 journey times. Under normal queuing conditions, northbound services would experience increased journey times of between 0.6 and 2.0 minutes, while increased journey times of between 1.2 to 1.5 minutes are likely for southbound buses. Under maximum queuing conditions timesavings would be 0.5 to 1.9 minutes northbound and 0.1 – 0.5 minutes southbound. The only exemption is the northbound AM peak where increased delays would be around 1.1 minutes.
 - 1.4. It also shows that by 2025, under normal queuing conditions the proposed route would take less time than the existing route at all times of day, other than in the average PM peak for buses travelling south to the A21 on Route 101 and there is only one bus that makes this journey. Timesavings for northbound buses would be between 0.8 and 3.0 minutes, and for southbound services it would be between 0.6 and 3.3 minutes quicker, apart from the 101 service mentioned above which would take around 35 seconds longer. Under maximum queuing all services would be quicker. The timesaving would be 4.5 to 7.8 minutes northbound and 2.0 to 3.6 minutes southbound.
 - 1.5. By 2025 the proposed routing would improve journey times compared to continuing use of the existing route using Junction Road, and would be more consistent with less variability as junction delays would form a very small component of journey times on the proposed route.
 - 1.6. The requirement to close Junction Road to through traffic forms part of the approved plans for the Queensway Gateway Road.

1.7. Having considered the objection, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn.

Recommendation: To not uphold the objection and install the proposal as advertised.

2. Two objections were received, one from a resident and one from a Westfield Parish Councillor regarding the impact the closure of Junction Road would have on traffic levels/congestion at the A28/A21 junction and in Maplehurst Road.

2.2. Along with the connection of the Queensway Gateway Road to the A21 (through a new traffic signal controlled junction), the proposed closure of Junction Road will offer a significant safety improvement and will also provide a more consistent journey time on a key part of the local highway network which suffers from significant congestion.

2.3. The proposed solution has been designed to satisfactorily accommodate future traffic flows to a design year of 2036. Junction Road will remain open to cyclists and pedestrians.

2.4. The A21/A28 junction is outside the scope of this scheme and is the responsibility of National Highways (previously Highways England). They have however been involved in the design and approval of the new traffic signal controlled junction on the A21 (Sedlescombe Road North).

2.5. Maplehurst Road is predominantly a residential road and various proposals have been considered (and some implemented) over the years. The traffic modelling shows that with the improved journey times resulting from the traffic signals on the A21, Maplehurst Road will not be adversely affected by the measures proposed in this TRO.

2.6. Following the opening of the signalised junction on the A21, monitoring of all the key parts of the local highway network, including Maplehurst Road, will take place and further mitigation measures will be considered where necessary and appropriate.

2.7. The requirement to close Junction Road to through traffic forms part of the approved plans for the Queensway Gateway Road.

2.8. Having considered these two objections, officers are satisfied that there are not sufficient grounds for the proposal to be withdrawn.

Recommendation: To not uphold the objections and install the proposal as advertised.

Appendix 2 – Copy of the Draft Order as Advertised

EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

The East Sussex (A2100 Junction Road, St. Leonards on Sea) (Prohibition of Driving) Order 202*

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

1. Save as provided in Article 2 of this Order, no person shall except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to enter or proceed in that length of road specified in the Schedule to this Order.
2. Nothing in Article 1 of this Order shall render it unlawful to cause or permit any vehicle to enter or proceed in that length of road referred to in that Article for so long as may be necessary to enable:-
 - (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely -
 - (i) building, industrial or demolition operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said lengths of roads; or
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said lengths of roads of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system as defined in the Telecommunications Act 1984;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority or a water authority in pursuance of statutory powers or duties;
 - (c) the vehicle to be used for emergency services purposes.
3. The Council is satisfied that for avoiding danger to persons or other traffic using the length of road referred to in the Schedule to this Order or for preventing the likelihood of any such danger arising it is requisite that Section 3(1) of the Act should not apply to this Order.

4. This Order may be cited as " The East Sussex (A2100 Junction Road, St. Leonards on Sea) (Prohibition of Driving) Order 202*" and shall come into force on xx 202*.

SCHEDULE
PROHIBITON OF DRIVING

Junction Road

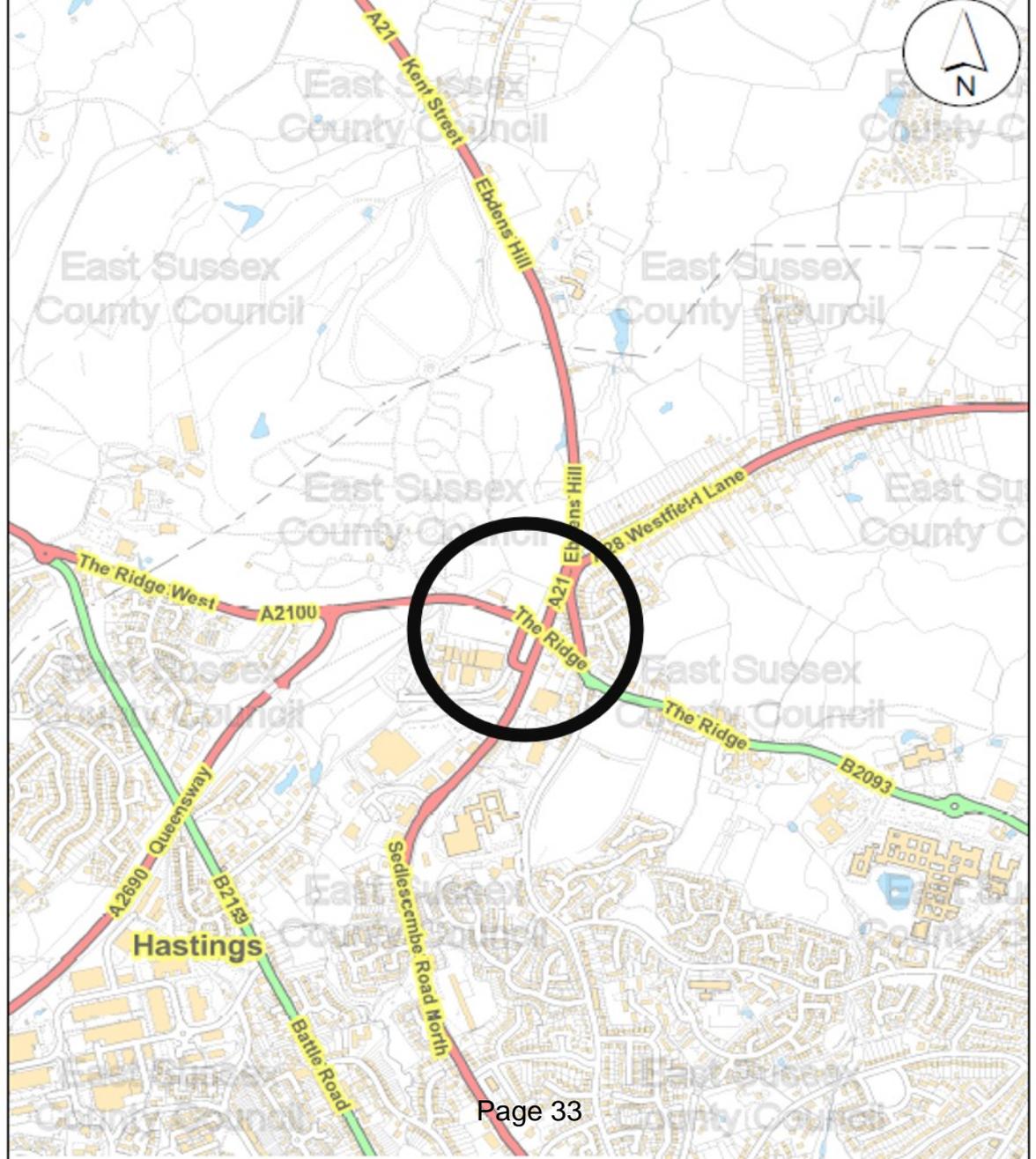
from its junction with The Ridge West, southwards for a distance of 103 metres.

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

Authorised Signatory

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

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