

REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 11.15 am WEDNESDAY, 15 JUNE 2022

COUNCIL CHAMBER, COUNTY HALL, LEWES

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

A G E N D A

1. Minutes of the meeting held on 13 April 2022 (*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.

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

5. Temporary widening of the access junction between Shrub Lane and the access track leading to Burwash Wastewater Treatment Works and temporary use of land adjacent to the Works as a compound for a period of 12 months to enable essential upgrade works to be carried out at the Treatment Works (retrospective). (*Pages 5 - 12*)
Report by the Director of Communities, Economy and Transport.

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

6. Lilybank Farm, London Road Battle (*Pages 13 - 18*)
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

7 June 2022

Contact Sophie Webb, Governance and Democracy Officer,
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PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber, County Hall, Lewes on 13 April 2022.

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

ALSO PRESENT Councillors Peter Pragnell and Stephen Shing

27. MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2022

27.1 The Committee approved as a correct record the minutes of the meeting held on 16 February 2022.

28. APOLOGIES FOR ABSENCE

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

29. DISCLOSURES OF INTERESTS

29.1 There were none.

30. URGENT ITEMS

30.1 There were none.

31. CHANGE OF USE OF REAR YARD OF RECYCLING FACILITY TO MIXED USE STORAGE FACILITY INCLUDING SITING 12 SHIPPING CONTAINERS (RETROSPECTIVE). CHAUCER INDUSTRIAL ESTATE, UNIT 13 DITTONS ROAD, POLEGATE, BN26 6JF - WD/862/CM

31.1 The application had been withdrawn following publication of the agenda, so was not considered by the Committee.

32. DEVELOPMENT MANAGEMENT MATTERS

32.1 The Committee considered a report by the Director of Communities, Economy and Transport, which detailed the site monitoring and enforcement work completed in the last six months, together with the development management performance for the period 1 April 2021 to 31 March 2022.

32.2 The Committee RESOLVED to note the report.

The meeting ended at 11.27 am.

Committee: **Regulatory
Planning Committee**

Date: **15 June 2022**

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

Proposal: **Temporary widening of the access junction between Shrub Lane and the access track leading to Burwash Wastewater Treatment Works and temporary use of land adjacent to the Works as a compound for a period of 12 months to enable essential upgrade works to be carried out at the Treatment Works (retrospective).**

Site Address: **Burwash Water Treatment Works Shrub Lane, Burwash**

Applicant: **Mr Lawrence Blyth, Southern Water Services Ltd.**

Application No. **RR/864/CM**

Key Issues: **(i) Purpose of the development
(ii) Effects of the development**

Contact Officer: **Jeremy Patterson**

Local Member: **Councillor Eleanor Kirby-Green**

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 approximately 1.3 kilometres to the north-east of the junction of Shrub Lane, a classified road, with the A265 in Burwash village and consists of the private access track leading about 130 metres eastwards from Shrub Lane towards the Burwash Wastewater Treatment Works (WTW) and an area used as a construction compound on the south side of the track. The WTW adjoins the application site at a lower level to the east with a substantial area of woodland, Park Wood, beyond. Park Wood includes areas of ancient and semi-natural woodland and is a Local Wildlife Site. Grassed fields border the access track on either side and a small block of coniferous woodland stands to the rear of the compound. Two residential properties are located off Shrub Lane opposite the WTW access and other properties are

present to the north and south of the access along the Lane. The whole area is within the High Weald Area of Outstanding Natural Beauty (AONB).

2. The Proposal

2.1 The applicant is currently upgrading the WTW, which involves development that does not require express planning permission. However, to facilitate this development, works are required that do require planning permission, for which the applicant is seeking retrospective approval, namely: (i) the temporary widening of the junction of the site access with Shrub Lane for a further period of 12 months to allow construction vehicles to enter and leave the site safely, and (ii) the temporary change of use of part of a grassed field on the south side of the access track to a temporary construction compound (approximately 600sqm in area), incorporating offices and plant, car parking and a turning space for large vehicles, also for a further period of 12 months. The applicant has indicated that the affected areas would be reinstated to their previous use and appearance when works to upgrade the WTW have been completed.

3. Site History

3.1 A planning application (ref. RR/861/CM) was submitted in December 2021 seeking retrospective planning permission for similar temporary development to the current proposal but limited to a period of 6 months. However, it was withdrawn in March 2022, as the applicant identified that the temporary development was needed for a longer period due to additional works being required to be undertaken at the WTW.

4. Consultations and Representations

- 4.1 Rother District Council raises no objections.
- 4.2 Burwash Parish Council has not submitted any observations.
- 4.3 Flood Risk Management ESCC raises no objections.
- 4.4 High Weald AONB Officer has not submitted any observations.
- 4.5 The Highway Authority raises no objections.
- 4.6 NatureSpace has not submitted any observations.
- 4.7 Other representations: Three residents have raised concerns, primarily on the grounds that the submitted Landscape Plan only allows for 12 replacement plants, which are a lot smaller than those which were removed, the proposed restored access alignment is not representative of the original, the reinstated bank should be properly retained, and the existing access gate should be set further back to accommodate large vehicles more easily off Shrub Lane.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP10 (Management of wastewater and sewage sludge), WMP25 (General amenity), WMP26 (Traffic impacts) and WMP27 (Environment).

5.2 Rother District Local Plan Core Strategy 2014: Policy EN1 (Landscape stewardship).

5.3 Rother District Development and Site Allocations Local Plan 2019: Policy DEN2 (High Weald AONB).

5.4 The High Weald AONB Management Plan 2019-2024: Objective FH2 (Field and heath – hedgerows).

5.5 National Planning Policy Framework 2021: Part 15 (Conserving and enhancing the natural environment) is relevant.

6. Considerations

Purpose of the development

6.1 Under its Environmental Permit, the applicant has been required by the Environment Agency to upgrade the WTW to meet revised requirements for the control of iron and phosphorous levels in the final discharge effluent. Although these works now appear to have been carried out, the applicant has recently identified that additional works to better manage incoming flows during storm conditions are necessary to further minimise the risk of breaching the new iron and phosphorus limits. These works do not require express planning permission, as they benefit from being 'permitted development' under Part 13 (water and sewerage) of The Town and Country Planning (General Permitted Development) (England) Order 2015. However, the changes to widen the access and the works to construct the compound do require planning permission. The applicant considers these works are necessary to facilitate the upgrade of the WTW and in that respect, they are supported by Policy WMP10 of the Waste and Minerals Plan for development which contributes to meeting relevant environmental standards for wastewater treatment.

Effects of the development

6.2 As the applicant is seeking retrospective planning permission for the development, the works have therefore already taken place. The widening of the access to allow for less constrained movement of large vehicles and for greater visibility has resulted in the removal of part of the verge on the southern side of the access. As well as creating more space for vehicles, this development has also assisted in minimising mud deposition on Shrub Lane, which would have occurred if the verge had not been altered. However, the alterations have also resulted in the removal of part of a hedgerow.

Consequently, the applicant proposes to reinstate the verge to its original profile and re-plant it with trees/shrubs on completion of the works to the WTW, the details of which are set out in the submitted Landscape Plan. However, nearby residents have raised concerns on the proposed reinstatement of the access and the planting of the verge, noting that the proposed restored realignment would not be the same as the original and that only 12 trees/shrubs would be planted. Despite that, the proposed realignment of the access appears to accord with the original alignment and is considered to be acceptable. Similarly, although the proposed number of trees/shrubs may appear to be small, it is likely to be adequate for this site. However, no details have been provided on how the reinstated verge would be secured to avoid erosion and the submission of such details is recommended by condition. In terms of the compound, this is proposed to be reinstated to grassland in keeping with the rest of the field and is considered to be acceptable.

6.3 The widening of the access has also resulted in the need for temporary hard surfacing and its reconstruction will include part of the public highway. In order that these works are undertaken in accordance with the requirements of any licence, details of the reconstruction, including for drainage and surfacing, should be submitted for approval. Nearby residents have also noted that large vehicles overhang the access onto Shrub Lane if the site access gate is closed, thereby resulting in a potential hazard for other users of the Lane. It is uncertain whether this is a situation that has only occurred during the upgrade works or if it also occurs at other times. Although the applicant has indicated that a banksman will be present to manage vehicles at timed deliveries, this appears not to be current practice. Therefore, for safety and amenity reasons, a condition is recommended which requires that no stationary vehicles are permitted to overhang the access.

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 applicant is undertaking works to upgrade the Burwash WTW. To facilitate this, retrospective planning permission is sought for works to widen the junction of the access to the WTW with Shrub Lane and for a change of use to a small area of land for use as a construction compound for a further 12 months. The works to upgrade the WTW are permitted development, but the works to the access and construction compound require planning permission and as such, accord with Policy WMP10 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013. However, the widening of the access has resulted in the removal of part of a verge and hedgerow on the southern side of the access, although the proposed restoration indicates that the verge will be reinstated, and replacement planting will be carried out. This is considered to be acceptable, although it is recommended that additional details should be required to secure a more robust restoration, including measures to secure the verge bank and works relating to the public highway.

Subject to these requirements, the development can be considered to be acceptable and not to conflict with policies which seek to protect the AONB, safeguard general amenity and provide for appropriate access arrangements, namely Policy EN1 of the Rother District Local Plan Core Strategy 2014, Policy DEN2 of the Rother District Development and Site Allocations Local Plan 2019, Policies WMP25, WMP26 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Objective FH2 of the High Weald AONB Management Plan 2019-2024 and the provisions in Part 15 of the National Planning Policy Framework 2021.

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

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

8. Recommendation

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

1. The development hereby permitted shall be carried out in accordance with the drawings and document listed in the Schedule of Approved Plans.

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

2. No later than 30 June 2023 details of the following matters shall be submitted to the Director of Communities, Economy and Transport for approval in writing:
 - (i) Measures to secure the reconstruction of the verge bank on the southern side of the access to avoid erosion;
 - (ii) Measures for the reconstruction of the affected part of the public highway and its interface with the Treatment Works' access track, including surfacing and retention of existing gully drains;
 - (iii) Provision of a timetable for the reconstruction works in (i) and (ii) above and the planting of the verge bank, together with the restoration of the area of the temporary compound; and
 - (iv) A brief report for each year of the 5-years maintenance plan, as set out in the Landscape Plan, to be submitted before the end of each calendar year, outlining the progress of the planting carried out.The approved details shall be carried out in full and shall be undertaken jointly with the approved Landscape Plan.

Reason: To secure an appropriate restoration of the access in the High Weald AONB in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy EN1 of the Rother District Core Strategy Local Plan 2014, Policy DEN2 of the Rother District Development and Site Allocations Local Plan 2019, Part 15 of the National Planning Policy Framework 2021 and Objective FH2 of the High Weald AONB Management Plan 2019-2024.

3. No stationary vehicles are permitted to overhang the site access onto the public highway.

Reason: To secure safe access for vehicles entering and leaving the site, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

INFORMATIVES

1. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts (GCN); damage or destroy a breeding or resting place of GCN; and deliberately obstruct access to a resting or sheltering place of GCN. Planning approval for a development does not provide a defence against prosecution under the legislation. Should GCN be found at any stages of the development, then all works shall cease, and Natural England should be contacted for advice.
2. The applicant's attention is drawn to the need to obtain advice from the Highway Authority (contact Transport Development Control Team on 01273 482254) on whether a licence will be required for works to the public highway.

Schedule of Approved Plans

751149-JTX-XX-XX-DR-T-00003 P02.1 - Site Location Plan, 751149-JTX-XX-XX-DR-T-00004 P02.1 - Existing and Proposed Site Layout Plans, 751149-JTX-XX-XX-DR-T-00005 P02.1 - Vehicle Tracking, 751149-STA-Z0-XX-DR-Z-00001 P01 - Landscape Plan, Supporting Statement

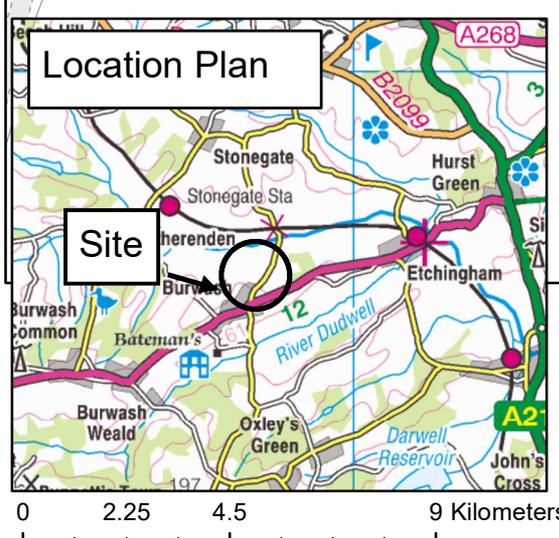
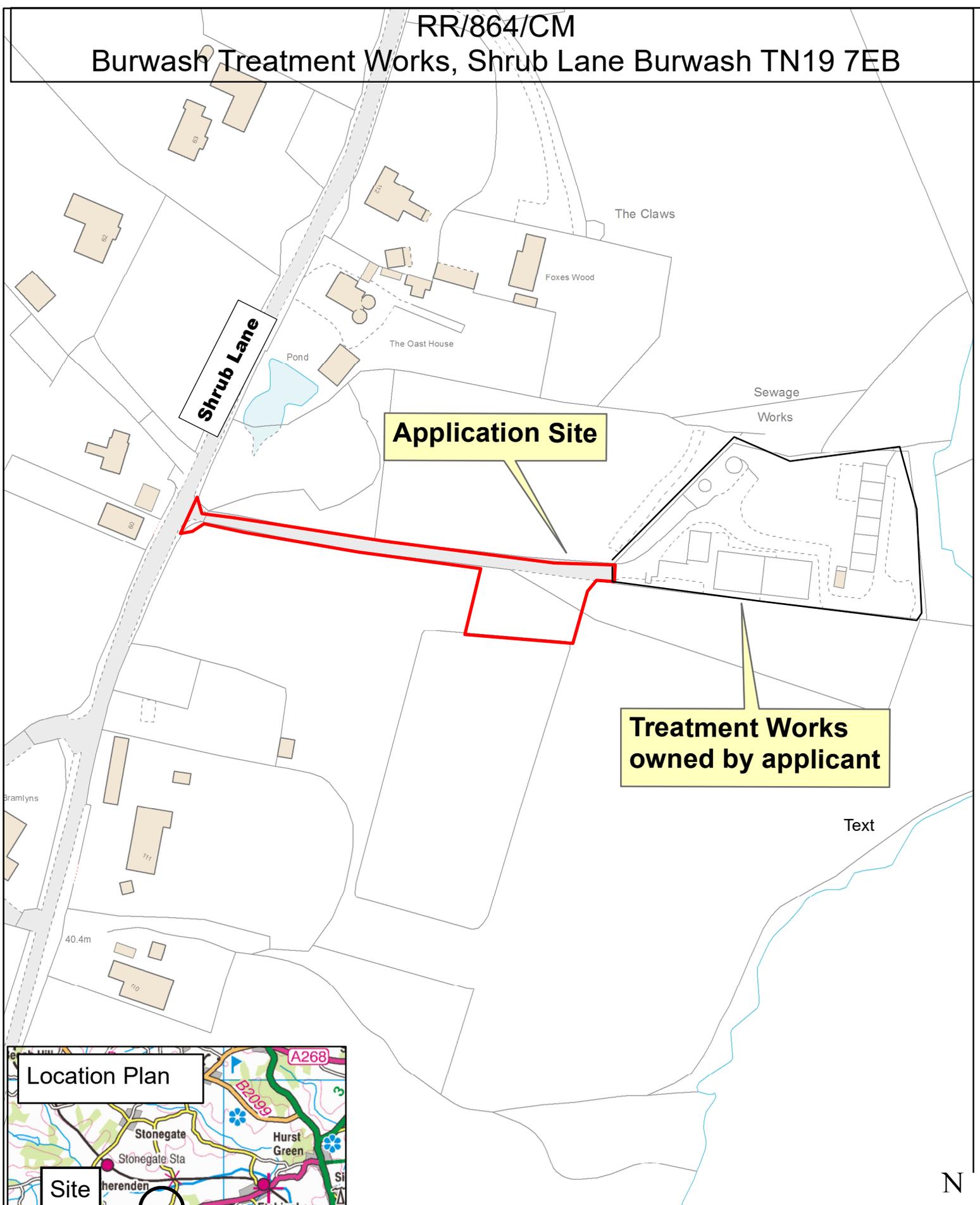
RUPERT CLUBB

Director of Communities, Economy and Transport
7 June 2022

BACKGROUND DOCUMENTS

Application RR/864/CM
Withdrawn application RR/861/CM
The Development Plan
National Planning Policy Framework 2021

RR/864/CM
 Burwash Treatment Works, Shrub Lane Burwash TN19 7EB



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Committee:	Regulatory Planning Committee
Date:	15th June 2022
Report by:	Director of Communities, Economy and Transport
Title of Report	Traffic Regulation Order – A2100 London Road, Battle
Purpose of Report	To consider the objections received in response to the formal consultation on the draft Traffic Regulation Order associated with the development of Lillybank Farm, London Road, Battle.
Contact Officer:	Mark Weston – 01273 482242
Local Member:	Councillor Kathryn Field

RECOMMENDATION

The Planning Committee is recommended to:

- 1. Not uphold the objections to the draft Order as summarised in paragraph 2.2 of this report**
 - 2. Recommend to the Director of Communities, Economy and Transport that the draft Traffic Regulation Order be made as advertised.**
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CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT.

1. Introduction

1.1 Planning permission for a residential development of 50 dwellings at Land to the West of Lillybank Farm, Wattles Wish, Battle was granted by Rother District Council in May 2017 (Planning application reference RR/2016/725/P). A Section 106 Legal Agreement was attached to the permission that secured the requirement for an extension to the 40mph speed limit on the A2100 London Road. This needs to be implemented through a Traffic Regulation Order (TRO), the cost of which is funded by the developer. The proposed lowered speed limit is intended to reduce vehicle speeds on the approach to the new junction (the development access).

1.2 To encourage compliance with the extended 40mph speed limit a gateway feature with a speed limit sign is proposed at the beginning of the new limit.

1.3 This Traffic Regulation Order is identical to the proposal originally advertised and approved by the County Council's Planning Committee in 2018. The reason this matter is now back before this Committee is that the developer did not implement the speed limit reduction within the statutory two-year time period, as commencement on site was delayed, and therefore the TRO needed to be readvertised.

1.4 An initial consultation was carried out between 27 October 2021 and 17 November 2021 with the local District and County Councillors, and statutory consultees including the emergency services.

1.5 On the 18 February 2022, the County Council gave notice under the relevant section of the Road Traffic Regulation Act 1984, (as amended), that it was proposing to amend the existing Traffic Regulation Order. A copy of the draft Traffic Regulation Order is included in Appendix 1. Copies of the advertised Notice of proposals were placed on posts in London Road. Copies of the proposals were also placed on deposit in County Hall reception for viewing by members of the public. In addition, the Public Notice was advertised in the local newspaper (The Rye and Battle Observer on 18 February 2022). The formal period for representations ended on the 11 March 2022.

1.6 The proposals are as follows: -

- To extend the 40mph speed limit in the following length of road: A2100 London Road – from a point 26.5 metres north of its junction with Virgins Lane, for a distance of 177 metres to the north of this point.
- The existing 40mph speed limit will remain in force as specified in the Order.

1.7 The proposed speed limit will reduce vehicle speeds on the approach to the new junction that accesses the approved residential development. This allows for compliance with visibility guidance, increases pedestrian safety and minimises potential for collisions at the proposed site entrance.

2. Comments and Appraisal

2.1 During the formal consultation period, seven items of correspondence were received objecting to the proposals.

2.2 The grounds for the objections were that:-

- The proposal does not extend far enough to the north to include other properties on London Road. The reasons cited for this;
 - The footway alongside the western side of London Road, to the north of the proposed speed limit, is narrow and is often narrowed further by overhanging vegetation and fallen soil from banks and can feel unsafe when cars pass at higher speeds.
 - Residents accessing their properties on London Road to the north of the proposed speed limit are overtaken when indicating to leave the highway.
 - Exiting properties to the north of the proposed speed limit can be difficult when there is a high volume of traffic using London Road.
 - A large number of the properties north of the speed limit extension access single width tracks. If a vehicle is waiting to exit one of these tracks another vehicle cannot enter which is not clear to other traffic using the A2100.
 - Drivers on the A2100 are unaware that there are vehicle accesses north of the proposed speed limit extension.
 - Rights of Way meet the A2100 north of Canadia Road where there is no footway at the side of the road.
 - A lower speed limit would help encourage walking and cycling.
 - There have been a number of accidents on this stretch of road.

2.3 No objections were received that were objecting to the proposed extension of the 40mph speed limit itself. Instead, the objectors were requesting that the proposed extension goes further.

2.4 It is not considered that these objections provide sufficient grounds to warrant the modification or withdrawal of the proposals. This TRO relates solely to the Lillybank Farm development and is a mitigation measure for it as required by their planning permission for the site. This Traffic Regulation Order will implement a speed limit extension, not to address any existing road safety concerns, and its implementation is paid for by the developer. Given that the County Council has previously made a decision for an identical Traffic Regulation Order on London Road, and that there has not considered to have been a change in circumstances in the subsequent years, the Traffic Regulation Order advertised is simply for an extension of the 40mph speed limit that replicates the previous lapsed Traffic Regulation Order.

2.5 The extension of the existing 40mph speed limit is proposed to achieve a full Design Manual Road & Bridges (DMRB (TD 9/93)) 60mph stopping sight distance (215m) prior to the proposed development junction. This has been designed to accommodate vehicles decelerating from 60mph at the 60mph/40mph interface providing an acceptable forward visibility to the proposed junction.

2.6 It is not considered appropriate to introduce a further extended 40mph speed limit as part of this proposal, as it is not required to make the development access acceptable in planning terms or to be in accordance with visibility guidance. Concerns were raised at the time of the planning application with regard to highway safety at the proposed access point, by ESCC officers and members of the public. The proposed extension to the 40mph speed limit will mitigate those concerns, lead to improved highway safety and ensure that the development site access is policy compliant.

2.7 A petition requesting an extension to this speed limit has been submitted to the County Council, which is due for consideration by the Lead Member for Transport and Environment once this TRO has been considered by Planning Committee.

3. Conclusion and reasons for recommendation

3.1 This proposal seeks to address road safety concerns associated with the proposed development at Lillybank Farm whilst being mindful of the need to ensure the flow of traffic on London Road (A2100). It is considered that the concerns raised by the objectors should not be upheld and the proposals should proceed as per the advertised TRO.

3.2 In turn, it is recommended that the Planning Committee recommends to the Director of Communities Economy and Transport that the draft Order be made as advertised.

RUPERT CLUBB
Director of Communities, Economy and Transport
31 May 2022

BACKGROUND DOCUMENTS

None

Appendix 1: Draft TRO

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EAST SUSSEX COUNTY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

**The East Sussex (A2100 London Road, Battle)
(40 mph Speed Limit) Order 202***

East Sussex County Council, in exercise of its powers under Section 84(1) and (2) of the Road Traffic Regulation Act 1984 ("the Act"), as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

1. No person shall drive any vehicle at a speed exceeding 40 mph on those lengths of road specified in Schedule One to this Order.
2. No speed limit imposed by this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces)(Variation and Amendment) Regulations 2011 when used in accordance with regulation 3(5) of those Regulations.
3. This Order may be cited as "The East Sussex (A2100 London Road, Battle) (40 mph Speed Limit) Order 202*" and shall come into operation on xxx 202*.

SCHEDULE ONE
40 mph Speed Limit

London Road	from a point 26.5 metres north of the northern kerbline of Virgins Lane, northwards for a distance of 177 metres
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THE COMMON SEAL of EAST SUSSEX)
COUNTY COUNCIL was affixed)
hereto on the xx day of xx two)
thousand and xx in the presence of:-)

Authorised Signatory

H & T Ctte. 2.4.74 - para 4.2 joint report of
County Secretary & County Engineer -
para 4.

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