

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at Council Chamber, County Hall, Lewes on 14 October 2015.

PRESENT Councillors Godfrey Daniel (Chair), Ian Buchanan, Kathryn Field, Roy Galley, Richard Stogdon (Vice Chair), Barry Taylor and Steve Wallis

37 MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2015

37.1 RESOLVED to approve as a correct record the minutes of the meeting held on 16 September 2015.

38 DISCLOSURES OF INTERESTS

38.1 Councillor Galley declared a personal interest in Item 7 in that he is a member of Wealden District Council, and the Council had commented on the application. He did not consider this to be prejudicial.

38.2 Councillor Stogdon declared a personal interest in Item 8 in that he is the owner of land adjacent to a site subject to ongoing enforcement action, and that he would consider it prejudicial should the site come up for a specific discussion and leave the room.

39 REPORTS

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

40 CHANGE OF USE OF LAND TO ALLOW CONSTRUCTION AND OPERATION OF A WASTEWATER PUMPING STATION WITH NEW LAYBY OFF FOURTEEN ACRE LANE AND A WASTEWATER TREATMENT WORKS WITH NEW VEHICULAR ACCESS FROM BUTCHER'S LANE, TOGETHER WITH ANCILLARY FENCING AND LANDSCAPING. LAND TO SOUTH OF BUTCHER'S LANE AND TO WEST OF SAILORS STREAM AND LAND TO NORTH EAST OF JUNCTION OF FOURTEEN ACRE LANE AND BUTCHER'S LANE IN THREE OAKS - RR/741/CM

40.1 The Committee considered a report by the Director of Communities, Economy and Transport. Clarification was provided regarding modelling of climate change, the average discharge flow of the Wastewater Treatment Works and a reference in Condition 18.

40.2 Mr John Rogers spoke against the proposal.

40.3 Mrs Ruth Harding of Paris Smith, the applicant's agent, spoke in favour of the proposal.

40.4 Members have considered the officer's report, the clarifications and the comments of the public speakers, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

40.5 RESOLVED to approve the application subject to the completion of the following procedure:

- (i) The completion of a Legal Agreement to carry out off site highway works;
- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission, upon completion of the Legal Agreement, subject to conditions along the lines of those indicated in minute 40.7.

40.6 If the Legal Agreement has not been completed within six months, the application shall be referred back to Committee for consideration.

40.7 The grant of planning permission should be subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the drawings 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 until details of the following landscaping matters have been submitted to and approved in writing by the Director of Communities, Economy and Transport:

(i) Proposals for tree planting, including the use of heavy standard trees, at the northern boundary of the treatment works site off Butcher's Lane following further assessment;

(ii) Proposals for the re-alignment of the boundary fence at the northern boundary of the treatment works site off Butcher's Lane to accommodate additional planting following further assessment;

(iii) Planting specification including species, numbers and layout for the proposed hedgerow along the boundary of the pumping station off Fourteen Acre Lane;

(iv) A plan showing the proposed alignment of fencing during construction at the treatment works site off Butcher's Lane, including the identification of the extent of the Root Protection Areas for all retained trees, taking into account the requirements of British Standard 5837:2012 Trees in relation to design, demolition and construction; &

(v) A timetable for the implementation of all works required as part of this condition.

The assessment referred to in (i) & (ii) above shall comprise a report which shall be submitted for consideration and approval.

The approved details shall be carried out in full.

Reason: To secure appropriate landscaping at the site and the protection of trees in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. Subject to the provisions of other conditions related to this planning permission, the details of the planting set out in the Landscape Proposals Plan (Drg. No. 5105602/WA/611 Rev C) and the recommendations contained in the Arboricultural Assessment Report (Johns Associates, July 2015) shall be incorporated into the design of the development and implemented in accordance with the timetable approved under Condition 3.

Reason: To ensure appropriate planting and landscaping of the site and protection of retained trees and woodland, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. Any trees, shrubs or other plants which are planted as part of the landscaping requirements which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. No development shall take place until Mitigation Strategies, including measures for compensation for loss of habitat so that there is no net loss of suitable habitat, for the following species, or group of species, have been submitted to and approved by the Director of Communities, Economy and Transport:
 1. Great Crested Newt, which should follow the Great Crested Newt Mitigation Guidelines (2001) and Natural England's Standing Advice;
 2. Dormouse, which should follow the guidance in the Dormouse Conservation Handbook (2006);
 3. Bats, which should follow the guidance from the Bat Conservation Trust. A Method Statement for the avoidance of harm to bats should also be included; and
 4. Reptiles, which should follow Natural England's Standing Advice.

The approved Strategies and Method Statement shall be implemented in full.

Reason: To secure appropriate protection of species, including mitigation and compensation for loss of habitat, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Prior to the works commencing on site a Traffic Management Plan shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The Management Plan shall include:
 - (i) The proposed size of vehicles for both construction and operational activities;
 - (ii) The proposed routing of vehicles;
 - (iii) Appropriate traffic signals and signage;
 - (iv) Hours of operation;
 - (v) A schedule of delivery times to avoid peak traffic flows and reduce the risk of vehicles meeting 'head on'; &
 - (vi) Wheel washing facilities.

Reason: In the interests of highway safety and the amenity of persons in the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. The new access from Butcher's Lane to the treatment plant shall be undertaken in the position shown on submitted Drawing No. 121875-C-800011 Rev D and shall be constructed and laid out in accordance with the attached HT407 diagram and all works undertaken shall be executed and completed with the agreement of the Highway Authority prior to the commencement of the use of the development hereby permitted, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the access and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. The proposed gate at the new access to the treatment works off Butcher's Lane shall be positioned at least 10 metres back from the edge of the highway.

Reason: To enable a vehicle to wait clear of the highway while the gate is being operated in the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. The development shall not be used until a turning space for vehicles has been provided and constructed in accordance with the submitted Drawing No. 121875-C-800011 Rev D and the turning space shall thereafter be retained for that use and shall not be used for any other purpose, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To provide for a sufficient turning area within the site for safety reasons, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. No machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the development sites on land off Butcher's Lane and Fourteen Acre Lane during the period of construction other than between the hours of 07.30 to 18.30 Mondays to Fridays inclusive and 07.30 to 13.00 on Saturdays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport. There shall be no working at these sites on Sundays or Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. All construction activities shall be managed in accordance with British Standard 5228-1: 2009 (code of practice for noise and vibration control on construction and open sites - Part 1: noise) or such updated British Standard as may be issued in place of British Standard 5228-1: 2009.

Reason: To ensure that the relevant British Standard trigger levels are not exceeded in the interests of protecting the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. The operational noise rating level shall, at all times, be below 30 dBLAeq (freefield), determined at the nearest noise sensitive receptors, namely Sailor's Stream Cottage in Butcher's Lane and the Willow Stream residential property in Fourteen Acre Lane, and in accordance with British Standard 4142: 2014.

Reason: In the interests of protecting the amenity of persons in the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

14. Within 3 months of first commencement of the operational use of the wastewater treatment works, a noise monitoring report shall be submitted to the Director of Communities, Economy and Transport for approval. The report should demonstrate that the development complies with the noise restriction of Condition 13. If the development does not comply, the report should propose further measures for noise mitigation and a timetable of implementation to reduce noise to meet the restriction of Condition 13.

Reason: To safeguard the amenity of the occupiers of nearby residential properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. No development shall take place until details of surface water management at the treatment works site off Butcher's Lane have been submitted to and approved in writing by the Director of Communities, Economy and Transport which shall include:
- (i) Detailed hydraulic calculations which should take into account the connectivity of the different drainage features. They should show a 'like for like' discharge rate between the existing and proposed 1 in 1, 1 in 30 and 1 in 100 rainfall events, including an allowance for climate change;
 - (ii) Provision for catchpits upstream of cellular storage structures to prevent sediment build-up; &
 - (iii) Specifications of the measures to line any surface water storage facilities to prevent groundwater ingress.

Prior to the development being brought into use, the approved details relating to points (i) to (iii) above shall be implemented in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To reduce the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

16. No development shall commence until a management and maintenance plan for the entire drainage system associated with the development has been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved plan shall be implemented in full.

Reason: To secure the proper management and maintenance of the drainage system to reduce the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

17. No development shall take place until the applicant has secured the implementation of a programme of archaeological work for both development sites, in accordance with a Written Scheme of Archaeological Investigation, which has been submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historical interests of the sites are safeguarded and recorded in accordance with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

18. The development hereby permitted shall not be brought into use until the archaeological site investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 17 and that provision for analysis, publication and dissemination of results and archive deposition, including a timetable for the submission of details relating to the post excavation assessment, has been secured.

Reason: To ensure that the archaeological and historical interests of the sites are safeguarded and recorded in accordance with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

19. Development shall not commence until full details, including a plan showing the details, on how the affected part of the Guestling 32a public footpath will be accommodated on land to the south of Butcher's Lane have been submitted to and approved in writing by the Director of Communities, Economy and Transport.
Prior to the development being brought into use, the approved details shall be implemented in full.

Reason: To secure an appropriate specification for the footpath which will be affected by the development in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

20. Notwithstanding the fencing arrangements shown on the approved drawings, the boundary fencing at both the wastewater treatment works site off Butcher's Lane and the pumping station site off Fourteen Acre Lane shall comprise 1.8 metres high weld mesh fencing coloured dark green only, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of visual amenity, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

21. No artificial external lighting, including floodlighting, shall be installed or used in relation to construction and operations other than in accordance with details first submitted to and approved in writing by the Director of Communities, Economy and Transport. Such details should include reference to guidance from the Bat Conservation Trust.

Reason: In the interests of the amenity of the locality and the local natural environment, in accordance with Policies WMP25 and WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

INFORMATIVES

1. The Applicant's attention is drawn to the need to obtain:

Ordinary Watercourse Consent from East Sussex County Council, as Lead Local Flood Authority, regarding any works affecting the cross section of the stream or the flow of water.

2. The Applicant's attention is drawn to the provisions of:

The Badgers Act 1992 and The Wildlife and Countryside Act 1981, as amended in exercising any activities associated with the development.

Schedule of Approved Plans

121875-C-800010 Rev.04 - Site Location, 121875-C-800012 Rev.04 - Proposed Wastewater Treatment Works Elevation, 121875-C-800018 Rev.01 - Standby Generator Kiosk , 121875-C-900016 Rev.01 - Proposed SAFF blower and MCC Kiosk Plan, 121875-C-800017 Rev.03 - Proposed SAFF blower and MCC Kiosk Elevations , 5105602/WA/215C - Proposed Pumping Station Plan Layout, SDS 202830.04C - Topographical Land & Drainage Survey, 5105602/WA/210D - Proposed Sewerage Layout Sheet 1 of 2, 5105602/WA/211D - Proposed Sewerage Layout Sheet 2 of 2, 5105602_WA_611 RevC - Landscape Proposals Plan, Proposed Wastewater Treatment Works Site Plan - 121875-C-800011 RevD, Proposed Wastewater Treatment Works Elevation (West) Inside Fence - 121875-C-800013 RevB

41 NON MATERIAL AMENDMENT - ALTERATION TO THE WORDING OF CONDITION 13 TO ALLOW THE USE OF THE LINK ROAD BY THE PUBLIC PRIOR TO THE COMPLETION OF THE BOUNDARY WALLS AND FENCING. A259 BELLE HILL, BEXHILL-ON-SEA TO B2092 QUEENSWAY, ST LEONARDS-ON -SEA - RR/2474/CC(EIA)/NM/11

41.1 The Committee considered a report by the Head of Planning and Environment. The Chair reported that two of the local members had sought assurances about the provision of safety measures and this was referred to in the officer's report.

41.2 Mr Karl Taylor, Assistant Director Operations on behalf of the applicant, spoke to provide reassurance that acoustic, safety and badger fencing would be installed prior to the road opening.

41.3 Councillor Field, one of the Local Members and member of the Planning Committee, spoke in support of the application.

41.4 Members have considered the report, together with the comments of the Local Members and public speaker, and agree with the conclusion and reasons for recommendation as set out in paragraph 8 of the report.

41.5 RESOLVED to grant the application for non material amendment RR/2474/CC(EIA)NM/11 and alter the wording of condition 13 attached to RR/2474/CC(EIA), approved on 29 July 2009, as follows:

13. Unless otherwise agreed in writing by the Head of Planning and Environment, the Link Road shall not be brought into full permanent use by the public until all approved details of boundary walls, fences and other means of enclosure to be erected within the site have been provided and shall thereafter be retained unless otherwise agreed in writing by the Head of Planning and Environment. If during construction, the temporary use of part of the Link Road is required this shall only be undertaken with means of enclosure appropriate to the temporary use and following the prior written approval of the Head of Planning and Environment.

Reason: To ensure the appropriate appearance of the development in the area.

42 RENEWAL OF PLANNING PERMISSION FOR THE SITING OF ONE MOBILE CLASSROOM TO THE SOUTH EAST OF THE SCHOOL SITE. NINFIELD C OF E SCHOOL, CHURCH LANE, NINFIELD - WD/1656/CC/3

42.1 The Committee considered a report by the Director of Communities, Economy and Transport. Clarification was provided regarding the proximity of the nearest residential property which was confirmed to be "School House" but this did not affect the officer's recommendation.

42.2 The comments of Councillor Bentley, one of the Local Members, had been circulated to the Committee.

42.3 Members have considered the officer's report and comments of the Local Member, and agree with the conclusions and reasons for recommendation.

42.4 RESOLVED to grant planning permission subject to the following condition:

1. The temporary building hereby permitted shall be removed from the site and the land restored to its former physical state by 31 October 2016 or as otherwise agreed in accordance with a scheme submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: The nature or form of development is only considered appropriate for a temporary period.

43 DEVELOPMENT MANAGEMENT MATTERS: QUARTERLY REPORT

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

43.2 RESOLVED to note the report.

(The meeting ended at 11.28 am)

CHAIRMAN