

## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 18 December 2019.

---

PRESENT Councillors Richard Stogdon (Chair), Godfrey Daniel, Chris Dowling, Nigel Enever, Kathryn Field and Tom Liddiard

### 23 MINUTES OF THE MEETING HELD ON 13 NOVEMBER 2019

23.1 The Committee approved as a correct record the minutes of the meeting held on 13 November 2019.

### 24 APOLOGIES FOR ABSENCE

24.1 Apologies for absence were received from Councillor Bob Bowdler, Councillor Pat Rodohan and Councillor Barry Taylor.

24.2 It was noted that Councillor Nigel Enever was in attendance as a substitute for Councillor Bowdler and that Councillor Chris Dowling was in attendance as a substitute for Councillor Taylor.

### 25 DISCLOSURES OF INTERESTS

25.1 Councillor Godfrey Daniel declared a prejudicial interest in item 5A in that he is a friend of one of the objectors, so left the Chamber during consideration of the item.

### 26 REPORTS

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

### 27 VARIATION OF CONDITION 2 (APPROVED DRAWINGS) OF PLANNING PERMISSION RR/741/CM SEEKING RETROSPECTIVE PERMISSION FOR AMENDMENTS TO THE LAYOUT AND FENCING AT THE PUMPING STATION AT FOURTEEN ACRE LANE, THREE OAKS WASTEWATER PUMPING STATION, FOURTEEN ACRES LANE, THREE OAKS - RR/834/CM

27.1 Councillor Godfrey Daniel left the Chamber during consideration of this item.

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

27.3 Simon Tomlinson, Head of Wastewater Delivery, on behalf of the applicant, Southern Water spoke in support of the report's recommendations.

27.4 Councillor Carl Maynard, the Local Member, spoke to encourage consultation by Southern Water on enhancements to the proposed mitigation.

27.5 The Committee agreed to include an additional Informative, in order to set a clear expectation that Southern Water consult and engage with local residents, Guestling Parish Council, and the local District and County Councillor, in developing the submission that will be made in pursuant of Conditions 2 and 3.

27.6 Members have considered the officer's presentation and report, together with the comments of the public speaker and Local Member, and agree with the conclusion and reasons for recommendation set out in paragraph 7 of the report, with the additional Informative.

27.7 The Committee RESOLVED to grant planning permission subject to the completion of a variation to the s106 Agreement dated 30 June 2016 between East Sussex County Council, Southern Water Services Limited and Gordon Harrison and the s278 Agreement dated 7 June 2018 between the same parties and to the following conditions:

1. 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.

2. Notwithstanding the planting and landscaping details submitted for the pumping station site, further details of the planting scheme shall be submitted to the Director of Communities, Economy and Transport for written approval within one month of the date of the planning permission. The approved details shall be carried out in full during the first available planting season following approval.

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 Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

3. Within one month of the date of the planning permission, the applicant shall submit details in writing to the Director of Communities, Economy and Transport for written approval for the design of the proposed close boarded fencing on the front gates and the timber screen around the kiosk at the pumping station including a timetable for their installation. The details shall demonstrate that the High Weald Colour Study (2017) has been used to assist in the identification of colours for the structures at the pumping station site in Fourteen Acre Lane. The approved details shall be carried out in full.

Reason: In the interests of visual amenity and the landscape of the High Weald AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. Planting and landscaping works at the treatment works site off Butcher's Lane shall not be carried out except in accordance with the following documents:
  - (i) Technical Note, dated 23 March 2017, Atkins;
  - (ii) Landscape Proposals Plan, ref: 5105602\_WA\_611 Rev G;
  - (iii) Arboricultural Implications Assessment, ref: 7637/D/001 Version 1.1, Johns Associates; and
  - (iv) Tree Protection plan, ref: 7637\_S1\_4\_3.2 Rev A, Johns Associates.

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. Notwithstanding the terms of Condition 4 and prior to any further works at the treatment works site off Butcher's Lane, the applicant shall submit details in writing to the Director

of Communities, Economy and Transport for approval which demonstrates that the High Weald Colour Study (2017) has been used to assist in the identification of colours for the structures at the treatment works site. The approved details shall be carried out in full.

Reason: In the interests of visual amenity and the landscape of the High Weald AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. 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.

7. The measures detailed in the documents listed under Condition 6 (Habitats and species) of planning permission RR/741/CM as set out in the letter from East Sussex County Council to Paris Smith, dated 21 November 2016, 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.

8. No further works shall take place at the treatment works site including the access onto Butcher's Lane until details have been submitted to the Director of Communities, Economy and Transport for written approval on how traffic will be managed at the site and within the locality. The approved details shall be implemented in full.

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.

9. The new access from Butcher's Lane to the treatment plant shall be undertaken in the position shown on drawing number 121875-C-800011 Rev D approved under planning permission RR/741/CM and shall be constructed and laid out in accordance with the HT407 diagram, dated 22 September 2015, 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.

10. 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.

11. The development shall not be used until a turning space for vehicles has been provided and constructed in accordance with drawing number 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.

12. 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.

13. 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.

14. 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.

15. 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 14. 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 14.

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.

16. No further development shall take place at the treatment works site until details of surface water management at the treatment works 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; and
- (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.

17. No further development shall take place at the treatment works site 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.

18. The affected part of the Guestling 32a public footpath shall be accommodated on land to the south of Butcher's Lane in accordance with drawing number 121875-C-200001 Rev D.

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.

19. 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.

20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or in any amendment thereof, no development shall take place under Part 13 Class B (d), unless otherwise first agreed in writing with the Director of Communities, Economy and Transport.

Reason: In the interests of the amenity of the locality and the High Weald AONB, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Policies OSS4 and EN1 of the Rother Local Plan Core Strategy 2014.

## **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.

3. The Applicant's attention is drawn to the need to demonstrate that the following interested parties have been consulted/engaged with in preparing the details that are submitted in pursuant of Conditions 2 and 3:

- The Local County Councillor
- The Local District Councillor
- Guestling Parish Council
- Occupants of neighbouring properties on Fourteen Acre Lane and Willow Stream Close

The submitted details should state how the views expressed through this consultation and engagement have been taken into consideration by the Applicant.

#### Schedule of Approved Plans

Site Location Plan 121875-C-800010 Rev A, Pumping Station Overall Layout JN.497390.0C2901 Rev E, Pumping Station Elevations JN.497390.0Z0714 Rev C, Proposed Wastewater Treatment Works Elevation 121875-C-800012 Rev 0.4, Standby Generator Kiosk 121875-C-800018 Rev 01, Proposed SAFF Blower and MCC Kiosk Plan 121875-C-900016 Rev 01, Proposed SAFF Blower and MCC Kiosk Elevations 121875-C-800017 Rev 03, Topographical Land and Drainage Survey SDS 202830.04 Rev C, Proposed Sewerage Layout (Sheet 1 of 2) 5105602/WA/210 Rev D, Proposed Sewerage Layout (Sheet 2 of 2) 5105602/WA/211 Rev D, Proposed Wastewater Treatment Works Site Plan 121875-C-800011 Rev D, Proposed Wastewater Treatment Works Elevation (West) 121875-C-800013 Rev B, Landscape Proposals Plan 5105602\_WA\_611 Rev G, Tree Protection 7637\_S1\_4\_3.2 Rev A, Site Plan 121875-C-200001 Rev D

#### 28 RETENTION OF DEPOSITED INERT BUILDING WASTE. APPLETREE COTTAGE, BEACON LANE, CRIPPS CORNER, STAPLECROSS, ROBERTSBRIDGE, TN32 5QP - RR/828/CM

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

28.2 Mr Hugh Willing, the applicant, spoke against the report's recommendations.

28.3 Members have considered the officer's presentation and report, together with the comments of the public speaker, and agree with the conclusion and reasons for recommendation set out in paragraph 7 of the report.

28.4 The Committee RESOLVED to refuse planning permission for the following reasons:

1. The site is within the countryside and the development conflicts with Policies RA2 (viii) and RA3 (v) of the Rother Local Plan Core Strategy 2014 which seeks to conserve, inter

alia, the intrinsic value and the natural and ecological resources of the countryside and provide for appropriate development.

2. The site is within the High Weald Area of Outstanding Natural Beauty and its use for the disposal of waste is contrary to conserving and enhancing the landscape quality and character of the area, thereby conflicting with Policy WMP27 (a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013, Policy EN1 (i) of the Rother Local Plan Core Strategy 2014, paragraph 172 of the National Planning Policy Framework 2019 and the overall objectives of the High Weald AONB Management Plan 2019.
3. The site is within a wooded area adjacent to an area of designated ancient woodland and the deposited waste materials are on a steep slope encroaching into a long established pond. These habitats are important for wildlife. As such, the use of land for the disposal of waste conflicts with Policy WMP27 (b) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policies EN1 (viii) and EN5 (viii) of the Rother Local Plan Core Strategy 2014, paragraphs 175 and 178 of the National Planning Policy Framework 2019 and the overall objectives of the High Weald AONB Management Plan 2019.
4. The site adjoins a public right of way and historic routeway and the development results in an adverse visual effect to the amenity of users of the path due to the damage caused to the woodland, thereby conflicting with Policy OSS4 (iii) of the Rother Local Plan Core Strategy 2014, Policy WMP25 (a) and (d) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Objectives OQ3 and OQ4 of the High Weald AONB Management Plan 2019.

:

The meeting ended at 11.25 am.