

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 16 December 2020.

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

14 MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2020

14.1 The Committee approved as a correct record the minutes of the meeting held on 18 November 2020.

15 DISCLOSURES OF INTERESTS

15.1 Councillor Barry Taylor declared a prejudicial interest in Item 5, in that his family own a business near the application site and had objected to the application. Councillor Taylor left the meeting during consideration of the item.

16 REPORTS

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

17 RECONFIGURATION OF SITE LAYOUT INCLUDING EXTENSION TO YARD; INSTALLATION OF VERTICAL SILO; INSTALLATION OF WEIGHBRIDGE; ERECTION OF STORAGE BUILDING; OPERATION OF CONCRETE CRUSHER; NEW LIGHTING SCHEME; NEW DRAINAGE INFRASTRUCTURE; FULL CONVERSION OF BROWNING'S TO OFFICE AND HMO ACCOMMODATION. WOODSIDE DEPOT, HAILSHAM ROAD, POLEGATE, BN27 3PG - WD/843/CM

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

17.2 Mrs Heather Rajaratnam and Mr Peter Mills spoke against the proposal.

17.3 Mr Stuart Austin, the applicant's agent, and Mr James Bailey, the applicant, spoke in support of the proposal.

17.4 Councillor Stephen Shing spoke to highlight concerns regarding noise and hours of operation and the impacts on residents. Councillor Gerard Fox spoke to request the Committee refuse the application.

17.5 A motion to defer consideration of the application, to allow time for the hours of operation to be changed, in the light of objections received, between officers and the applicant was proposed, seconded, voted on and lost.

17.6 A motion to amend the proposed condition relating to the operation of the crusher was proposed and seconded, and that officers will agree the change to the wording of the condition with the Chair of the Committee.

17.7 Members have considered the officer's report, comments of the four public speakers and two Local Members, together with the proposed amendment to the

conditions and agree with the conclusion and reasons for recommendation set out in paragraph 7 of the report.

17.8 The Committee RESOLVED to grant planning permission, subject to the provisions of paragraph 17.6 above, and the following conditions including Condition 3 which was agreed by officers and the Chair of the Committee:

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

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

2. The development hereby permitted shall be carried out in accordance with the plans, drawings and documents listed in the Schedule of Approved Plans.

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

3. During the daytime there shall be no screening or batching activities at the site except between the hours of 07.00 – 18.00 on Mondays to Fridays inclusive and 07.30 – 12.30 on Saturdays and no crushing activities except between the hours of 08.00 – 18.00 on Mondays to Fridays inclusive and 08.00 – 12.30 on Saturdays and there shall be no screening, batching or crushing activities at any time on Sundays, Bank and Public Holidays.

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

4. The operational noise rating level determined at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall not exceed +5 dBA above the background noise level at any time during the day (i.e. between the hours of 07.00 - 18.00), as determined in accordance with BS 4142:2014 +A1:2019.

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

5. The operational noise rating level determined at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall not exceed the background level at any time during the night (i.e. between the hours of 18.00 - 07.00), as measured in accordance with BS 4142:2014 +A1:2019 except for up to 36 times per calendar year when the operational noise rating level determined at the identified noise sensitive receptors shall not exceed +5 dBA above the background noise level at any time during the night (i.e. between the hours of 18:00 – 07:00), as measured in accordance with BS 4142:2014 +A1:2019.

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

6. Within 3 months of the site becoming fully operational following the implementation of the development an assessment of the operational noise at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall be undertaken in accordance with BS 4142:2014 +A1:2019 to determine compliance with the noise rating level conditions and be submitted to the Director of Communities, Economy and Transport for consideration and approval. The noise assessment must include a scheme of additional noise mitigation measures if there is evidence that the noise conditions are not being met. All additional noise mitigation measures must be implemented within 3 months of the measures being agreed with the Director and maintained for the duration of the development.

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

7. The access from the Brownings property onto Summerhill Lane shall not be used except by persons living as residents in the Brownings HMO accommodation.

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

8. Prior to the commencement of development involving the HMO accommodation at Brownings, the following details on changes to the access arrangements at the Brownings property shall be submitted to the Director of Communities, Economy and Transport for approval in writing:

- (1) The extent of the removal of vegetation either side of the Brownings' entrance onto Summerhill Lane to secure an increase in visibility (to accommodate splays of 2.4m x 30m) for drivers exiting the site;

- (2) The proposals for planting to the rear of the visibility splays in point (1) to mitigate for the loss of the hedgerows; and

- (3) The measures to modify the access of Brownings with Summerhill Lane to accommodate a width of 5 metres for a distance of at least 5 metres back from the edge of the carriageway.

The approved details to the access arrangements shall be implemented in full prior to the completion of the HMO accommodation, unless otherwise agreed in writing with the Director.

Reason: In the interests of highway safety, local landscape character, protection of trees and biodiversity, in accordance with Policies WMP26 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy WCS12 of the Wealden Core Strategy Local Plan and the provisions of Part 15 of the National Planning Policy Framework 2019.

9. Prior to the construction of any new hardstanding, a detailed scheme for a surface water drainage system at the site shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The scheme shall include the following:

1. Detailed drawings and hydraulic calculations, which shall take into account the connectivity of the different surface water drainage features and be able to demonstrate that surface water flows can be limited to the greenfield rate for the respective rainfall event, including those with a 1 in 100 (plus allowing for climate change) annual probability of occurrence;
2. Details of the outfall of the proposed drainage system and how it connects into the watercourse, including cross sections and invert levels;
3. Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely; and
4. The detailed design of the surface water drainage features which shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed attenuation features. The design should leave at least a one metre unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.

The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. Prior to the construction of any new hardstanding, a maintenance and management plan for the entire drainage system at the site shall be submitted in writing to the Director of Communities, Economy and Transport for written approval, thereby ensuring that the designed system takes into account the design standards of those responsible for maintenance. The plan shall include the following:
 1. A clear statement of who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and
 2. Evidence of how the arrangements in point 1 above will remain in place throughout the lifetime of the development.

The plan shall be implemented in accordance with the approved details for the duration of the development.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. Prior to the construction of any new hardstanding, details for the management of flood risk, both on and off site, during the construction phase shall be submitted to the Director of Communities, Economy and Transport for written approval. The approved details shall be carried out in full.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. Prior to the occupation of the development evidence, including photographs, which shall demonstrate that the drainage system has been constructed in accordance with the final agreed detailed drainage design, shall be submitted to the Director of Communities, Economy and Transport for consideration and approval.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. Prior to the commencement of any works to trees or hedgerows at the site the following details shall be submitted to the Director of Communities, Economy and Transport for approval in writing. The details shall include:
 1. Planting proposals on the northern boundary of the site and within identified gaps in other boundaries of the site, including species, numbers and spacings of plants;
 2. Measures for the withdrawal of material stockpiles from the boundaries of the site and their containment thereafter;
 3. Proposals for planting between the new containment lines for the material stockpiles and the existing hedgerows;
 4. A long term landscape management strategy for newly planted areas and enhanced management for existing scrub and tree habitats; and
 5. Locations for the installation of 4 bat boxes on trees identified as having roost potential for bats.

The approved details shall be carried out in full.

Reason: In the interests of visual amenity and the protection and enhancement of habitats and biodiversity, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Policy WCS12 of the Wealden Core Strategy Local Plan 2013.

14. The provisions for the protection and management of retained trees set out within the Arboricultural Assessment and Method Statement, Barrell Tree Consultancy, dated 28 February 2020, shall be carried out in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure the appropriate management of retained trees, in accordance with Saved Policies EN12 and EN14 of the Wealden District Local Plan 1998.

15. No pile or stockpile of material shall exceed six metres in height.

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.

INFORMATIVE

1. The Applicant's attention is drawn to the provisions and requirements of the following in the undertaking of the development:

The Wildlife and Countryside Act 1981 (as amended).

Tree Preservation Order, Hailsham, No. 25, 1990.

The Pevensey and Cuckmere Water Level Management Board's discharge consenting process.

Wealden District Council licence application for HMO accommodation.

Schedule of Approved Plans

BA1652.09 - Proposed Site Layout, BA1652.01A - Site Location, ELE/01 - Storage Barn Indicative Elevations, SUR/01 - Draft Topographic Survey as at July 17, PL 1429 - Arrangement of 809 Weigh Hopper & Support Structure Sheet 1 of 1, BA17110.10 - Brownings HMO Layout and Elevations, Planning Statement April 2020, Lighting Assessment, Arboricultural Assessment & Method Statement, Tree Protection Plan, Surface Water Drainage Design, Bat Activity Survey Report, R7412-2 Updated Noise Impact Assessment, Updated Dust Impact Assessment & Management Plan, R7412 5 Rev 1 Hailsham Roadways Noise Management Plan

The meeting ended at 11.00 am.