

## REGULATORY COMMITTEE

### PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes, on 21 July 2010

PRESENT - Councillor Daniel (Chairman), Councillors Belsey, Hughes, Ost, St Pierre, Stogdon and Taylor

#### 17. MINUTES

17.1 RESOLVED – to approve as a correct record the minutes of the previous meeting held on 23 June 2010.

#### 18. REPORTS

18.1 Copies of the reports and documents referred to below are contained in the minute book.

#### 19. DISCLOSURES OF INTEREST

19.1 Councillor Belsey declared a personal and prejudicial interest in item 8A in that he was a governor of Ocklynge School.

19.2 Councillor Hughes declared a personal and prejudicial interest in item 5 in that a family member is a member of Ninfield Parish Council who had objected to the application.

19.3 Councillor St Pierre declared a personal interest in item 6 in that she is a member of the Sussex Ouse Conservation Society.

#### 20. PROVISION OF NEW STORAGE BAYS (3 NO.) FOR UNTREATED HARDCORE AND SOIL WITH STORAGE SPACE FOR EMPTY SKIPS, ALONG WITH RELOCATION OF EXISTING "PORTAKABIN" OFFICE. CONSTRUCTION OF NEW WASTE TRANSFER BARN. PROVISION OF NEW 4M HIGH CLOSE BOARDED PERIMETER FENCING. DOWN BARN FARM, NINFIELD ROAD, BEXHILL ON SEA – WD/631/CM

20.1 Councillor Hughes left the Chamber for this item as she had declared a prejudicial interest.

20.2 The Committee considered a report by the Director of Transport and Environment.

Reason for decision

20.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report. Councillor Taylor abstained from voting and asked that this be recorded.

20.4 RESOLVED to approve the application 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 plans listed in the Schedule of Approved Plans.

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

3. The application site shall not be used other than as a waste transfer station, which shall include the storage, sorting and transfer of waste materials and the storage of skips for hire. There shall be no processing of waste materials at the site, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: For the avoidance of doubt and in the interests of the amenity of the occupiers of the adjoining residential property, in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

4. The use hereby permitted shall not be carried out other than between the hours of 07.00 - 18.30 on Monday to Friday inclusive and the hours of 07.00 - 13.00 on Saturdays and at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Transport and Environment.

Reason: To safeguard the amenity of the occupiers of properties in the vicinity of the site, in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

5. Within 3 months of the date of this permission a scheme for the provision of fencing at the site, which shall include a timetable for implementation, shall be submitted to the Director of Transport and Environment for written approval. The approved scheme shall be carried out in full unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: In the interests of the amenity of occupiers of the adjoining residential property, in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

6. Access to the building hereby approved shall be in accordance with Drawing Number 09-38-203, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: For the avoidance of doubt and to facilitate an alternative access to the building if land to the east becomes available for use, thereby enabling greater operational efficiencies.

7. If during development contamination is found to be present then no further development shall be carried out until the applicant has provided details of the contamination, including measures for remediation, to the Director of Transport and Environment and thereafter obtained written approval from the Director of Transport and Environment as to how the contamination shall be dealt with.

Reason: To safeguard groundwater from potential pollution, in accordance with Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

#### INFORMATIVE

1. The Applicant's attention is drawn to the need to obtain advice from the Environment Agency regarding the requirement for an Environmental Permit.

#### Schedule of Approved Plans

09-38-200 - Site Plan as Proposed, 09-38-201 - Proposed Site Layout, 09-38-202 - Site Access Road, 09-38-203 - Proposed Storage Building, Design and Access Statement

21. MINERAL REVIEW APPLICATION WITH ENVIRONMENTAL IMPACT ASSESSMENT FOR THE REVIEW AND IMPOSITION OF MODERN PLANNING CONDITIONS FOR THE EXISTING PERMITTED CHAILEY QUARRY, SOUTH CHAILEY – MR/14

21.1 The Committee considered the report by the Director of Transport and Environment. The Committee were informed of four proposed amended conditions contained in an addendum report.

21.2 Councillor Stroude, local member, spoke in support of the recommendations in the report.

Reason for decision

21.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 6 of the report, and the addendum report.

21.4 RESOLVED to approve MR/14 - the review of conditions attached to planning permissions IDO/2B and LW/85/298(CM) subject to the imposition of the following revised conditions:

**Conditions relating to Areas B ('southern' part) and C**

1. The development permitted must cease not later than 21 February 2042 and within two years of the completion of the development Areas B and C shall have been fully restored in accordance with the restoration scheme approved under condition 4 below.

Reason: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990.

2. If clay working or extraction ceases for a period of two years or such longer period as may be agreed in writing with the Director of Transport and Environment then within a further six months a scheme for the restoration of remaining unrestored areas shall be submitted to the Director of Transport and Environment. The scheme shall be implemented within 24 months of its approval.

Reason: To provide for the proper restoration of the site, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

3. No development shall take place until a scheme of working to include a statement and drawings at appropriate scales has been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall include the following details:

- (a) The limits of the area and depth of excavations;
- (b) The phasing direction and method of operations;
- (c) The location, design, phasing, treatment and maintenance of screening bunds/baffle mounds/acoustic and screening fencing;
- (d) The slopes of the proposed excavation and the location and design of internal haul roads to include cross sections and contours;
- (e) The location and height of clay stockpiles;
- (f) The movement and placement of overburden;
- (g) The location and design of the site office/mess room/fuel store and other fixed facilities;
- (h) Working hours, including if applicable, separate proposals for the maintenance of plant and equipment;

- (i) The level of noise emissions from the site and measures to be taken to control noise levels from the site;
- (j) Surface water drainage works;
- (k) Wheel cleaning provisions/equipment;
- (l) Provisions for the suppression of dust;
- (m) Site speed restriction(s);
- (n) Vehicle, plant and machinery noise attenuation equipment;
- (o) Vehicle access/egress proposals; and
- (p) Pollution prevention measures.

The approved working scheme shall be implemented for the duration of the development and no clay working or extraction operations shall take place otherwise than in accordance with the approved working scheme unless otherwise agreed in writing with the Director of Transport and Environment. In addition progressive restoration of the site shall be undertaken for the duration of the development in accordance with the scheme approved by the Director of Transport and Environment under condition 4.

Reason: In the interests of the amenity of the locality and to secure the proper restoration of the site, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

4. No development shall take place until a scheme for progressive restoration and landscaping of Areas B and C for an amenity after-use, including provision for nature conservation, has been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall include drawings at appropriate scales and a statement covering the following details:

- (a) The proposed final landform and site levels delineated by contour lines at 1 metre intervals across the site together with spot levels as necessary;
- (b) The proposed sequence and phasing of restoration indicating the levels, gradients and configuration of the restored surface;
- (c) The proposals for respreading overburden and soils to create the restored surface;
- (d) Details of surface finishes, the placement, treatment and seeding of subsoils and topsoils (as may be applicable to the proposed after-use);
- (e) Measures to ensure adequate drainage and to control surface water, including the provision of water bodies, as appropriate;
- (f) Proposals for tree and shrub planting including numbers or density, as appropriate, size, species and ground preparation (as may be applicable to the proposed after-use); and
- (g) Proposals for the removal of all buildings, structures, plant, machinery, areas of hard standing and haul roads.

The approved scheme shall be implemented in full, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure the proper restoration of the site, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

5. Within six months of the approval of the restoration and landscaping scheme in condition 4 above a detailed after-care scheme shall be submitted for the approval of the Director of Transport and Environment. The scheme shall specify in relation to each phase of the approved restoration scheme the steps to be taken and the periods during which they are to be taken (being at least five years from the satisfactory completion of any phase) to bring Areas B and C to the required standard for the proposed after-use. The approved scheme shall be carried out in its entirety and within the time periods specified in the scheme, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure appropriate after-care for the site, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

6. Detailed particulars in respect of any proposed exportation of clay from Chailey Brickworks, together with details of traffic movements generated by such exportation shall be submitted to and be subject to the approval of the Director of Transport and Environment prior to any such exportation taking place. No such exportation shall take place otherwise than in accordance with the details approved by the Director of Transport and Environment.

Reason: In the interests of the amenity of the locality, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

7. The Areas B and C referred to in the conditions set out above are annotated on Drawing Number C3\_LAN\_01 except for the southern and northern parts of Area B which are shown on Drawing Numbers C3/LAN/06 and C3/LAN/07 submitted as part of the application.

Reason: For the avoidance of doubt.

8. No material shall be imported for use in backfilling the site without the prior written approval of the Director of Transport and Environment.

Reason: For the avoidance of doubt and in the interests of the amenity of the locality, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

#### **Conditions relating to Areas A and B ('northern' part)**

9. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

10. Any clay working or extraction undertaken within Areas A and B shall cease not later than 21 February 2042. On or before the expiration of a period of two years after 21 February 2042 or two years after the clay working or extraction operations have ceased, Areas A and B shall be completely restored in accordance with the approved scheme for the restoration of the Areas referred to in the conditions below.

Reason: To comply with Schedule 5 of the Town and Country Planning Act 1990.

11. The extent of mineral extraction shall be limited to the Working Phase Boundaries on the drawings numbered C3\_LAN\_04 and C3/LAN/06 and no mineral extraction shall be permitted outside those boundaries except for the purposes of facilitating final restoration works as shown on the above drawings, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure the proper working and restoration of the site, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

12. If clay working or extraction ceases for a period of two years or such longer period as may be agreed in writing with the Director of Transport and Environment then within a further six months a scheme for restoration of remaining unrestored areas shall be submitted to the Director of Transport and Environment for written approval. The approved scheme shall be implemented within 24 months of the date of approval.

Reason: To provide for the proper restoration of the site in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

13. No extraction in Area A shall take place below 20 metres AOD and no extraction shall take place in Area B below 33 metres AOD without the prior written approval of the Director of Transport and Environment.

Reason: To secure the appropriate exploitation of the mineral resource, in accordance with Policy 15 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

14. Area A shall be worked in accordance with the programme of works shown on Drawing Number C3\_LAN\_04 and in accordance with the contents of the Environmental Statement accompanying the application. The development shall be carried out in accordance with these details and subject to the provisions of the permission, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure an appropriate restoration of Area A, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

15. Restoration of Area A shall be in accordance with Drawing Number C3/LAN/05 and with the details included in the Environmental Statement accompanying the application. The restoration shall be carried out in accordance with these details and subject to the provisions of the permission, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure an appropriate restoration of Area A, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

16. Area B shall be worked in accordance with the programme of works shown on Drawing Number C3/LAN/06 and in accordance with the details of the Environmental Statement accompanying the application. The development shall be carried out in accordance with these details subject to the provisions of the permission, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure an appropriate working programme for the site, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

17. Restoration of Area B shall be in accordance with Drawing Number C3/LAN/07 and with the details included in the Environmental Statement accompanying the application. The development shall be carried out in accordance with these details and subject to the provisions of the permission, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure an appropriate restoration of Area B, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

18. No final restoration in Areas A and B shall take place until full details of the proposed lakes including means of drainage have been submitted to and approved in writing by the Director of Transport and Environment. The approved details shall be implemented in full unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To ensure appropriate drainage at the site in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

19. No later than 3 months before the anticipated placement of final restoration soils at the site a detailed aftercare scheme for the grassland, woodland and other areas of planting in Areas A and B shall be submitted to and approved in writing by the Director of Transport and Environment. The approved scheme shall be carried out in full, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure the proper aftercare of the site, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

20. The maximum angle of the working quarry faces shall not exceed a gradient of 1:1 and the final restored faces shall be backfilled to a slope no steeper than a gradient of 1:3. No material shall be imported for the use in backfilling the site without the prior written approval of the Director of Transport and Environment.

Reason: To secure an appropriate restoration of the site, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

21. All materials extracted at the site shall be used at Chailey Brickworks unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure the retention of materials at the site, in accordance with Policies 15, 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

22. By 1 November 2010 details of the management of drainage for the current operations at the quarry shall be submitted to and approved in writing by the Director of Transport and Environment and shall include a timetable for any proposed works. The approved details shall be implemented in full, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure proper drainage at the site, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

23. Any fuel, oil, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse, wetland or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain the equivalent of 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both oil and water. All pipes shall vent downwards into the bund.

Reason: To protect the water environment from pollution, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

24. Before the coppicing and regrading of woodland takes place in the area south of the extraction boundary identified on Drawing Number C3\_LAN\_04, a Woodland Management Plan for Kiln Wood, including the area within the applicant's control to the south of Area A, shall be submitted to the Director of Transport and Environment for written approval and shall include a timetable of works. The approved Management Plan shall be implemented in full, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure the proper management of Kiln Wood, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

25. All existing trees, shrubs and hedgerows identified as being outside of the extraction phases identified on Drawing Numbers C3\_LAN\_04 and C3/LAN/06 including the areas for

regrading works identified on those drawings shall be retained and managed in order to maintain the screening of the site. No felling or works to these trees, shrubs and hedgerows shall be permitted without the prior written approval of the Director of Transport and Environment, except in an emergency.

Reason: To secure trees and other vegetation not subject to mineral extraction, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

26. The overburden/interburden mound to the east of Area A shall be progressively constructed to improve the screening from adjacent properties and thereafter removed as part of the progressive site restoration shown on Drawing Number C3\_LAN\_04.

Reason: To retain materials for use in the restoration of the site, in accordance with Policy 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

27. Prior to any extraction commencing in phases 2A or 2B in Area B as identified on Drawing Number C3/LAN/06 details of the operations for understorey removal, tree felling, use of felled timber and management of soils shall be submitted to the Director of Transport and Environment for written approval. The approved details shall be carried out in full before the commencement of any extraction, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure an appropriate working scheme for the site, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

28. Prior to any trees and shrub planting a scheme detailing the planting specification and incorporating a maintenance programme for the planting shall be submitted to and approved in writing with the Director of Transport and Environment. The approved scheme shall be implemented in full in the following available planting season after approval, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure an appropriate working scheme and restoration of the site, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

29. Topsoil stripping shall take place in the areas identified on Drawing Numbers C3\_LAN\_04 and C3/LAN/06 and the material shall where possible be directly placed or re-spread onto the restored surface as identified on the restoration plans, Drawing Numbers C3/LAN/05 and C3/LAN/07.

Reason: To secure the restoration of the site, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

30. All soil movement operations shall only be carried out when the full volume of soil is in a dry and friable condition. Soil handling and movement shall not be carried out between the months of October to April inclusive unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure the integrity of the soils for restoration, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

31. Plant and vehicle movement shall be confined to clearly defined haul routes on the overburden/infill surface and shall not cross areas of topsoil and subsoil except for the purposes of stripping or replacement operations.

Reason: To secure the integrity of the soils for restoration, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

32. The construction of bunds for the storage of soils shall conform to the following criteria:
- (i) Topsoil from differing woodland and pasture areas shall be stored separately;
  - (ii) Where continuous bunds are used dissimilar soils shall be separated by a geotextile membrane;
  - (iii) Topsoil bunds shall not exceed 3 metres in height; and
  - (iv) Materials shall be stored like upon like.

All storage bunds to remain in situ for more than 6 months or over the winter period are to be grassed over, the grass seed mix to be first agreed in writing with the Director of Transport and Environment, and thereafter maintained to control weed growth.

Reason: To secure the integrity of the soils for restoration, in accordance with Policies 31 and 34 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

33. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

Reason: In the interests of the amenity of the locality, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

34. White noise reversing alarms shall be used on all machinery capable of using such alarms.

Reason: In the interests of the amenity of the locality, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

35. During the earthworks associated with the development and restoration of the quarry the noise levels between the hours of 07.00 and 18.00 Monday to Friday inclusive and 08.00 and 13.00 on Saturday and for up to a maximum of 8 weeks per year shall not exceed 70 dB LAeq 1hr (free field) at any residential property as measured in accordance with BS 7445-1:2003 and BS 4142:1997.

Reason: In the interests of the amenity of the locality, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

36. During the winning of clay from the quarry the noise levels between the hours of 07.00 and 18.00 Monday to Friday inclusive and 08.00 and 13.00 on Saturday shall not exceed 55 dB LAeq 1hr (free field) at any residential property as measured in accordance with BS 7445-1:2003 and BS 4142:1997.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

37. An independent noise monitoring assessment shall be carried out at a time or at times and at locations to be agreed first in writing with the Director of Transport and Environment to assess compliance with the conditions relating to noise levels above and shall include a timetable for the implementation of any remedial measures which are required to ensure compliance.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

38. Use of the best practicable means of suppressing the emissions of dust from the site shall be maintained for the duration of clay working and extraction.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

39. Appropriate warning signs and barriers shall be retained on the Public Rights of Way and the details of any new signage and barriers including crossing points which will be required shall first be submitted to the Director of Transport and Environment for written approval. The approved details shall be implemented in full, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: In the interests of the amenity of the users of Public Rights of Way, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

40. All vehicle movements connected to the winning and working of clay in Area A shall be restricted to the working area and the haul road crossing in the north western corner as shown on Drawing Number C3\_LAN\_04 in order to access the brickworks stockpiles. The tunnel crossing of Green Lane and the brickworks shall be used wherever possible for the recovery of clays from stockpiles and the return of non useable materials to the quarry.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

41. All reasonable steps shall be taken to ensure that any vehicles leaving the site are in such condition as to not emit dust or deposit mud, slurry or other debris on the highway.

Reason: In the interests of amenity and highway safety, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

42. All vehicle movements associated with the winning and working of clay in Area B shall exit the site on the southern boundary as shown on Drawing Number C3/LAN/06 and access the clay stockpiles through the Brickworks site or by travelling north-east along Caveridge Lane and turning into the existing access to the clay stockpiles.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

43. No development shall take place in any area or part of the site which has not yet been developed until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Director of Transport and Environment. The works shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: In the interests of recording archaeology, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no processing plant or machinery shall be erected or installed at the site, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

45. No blasting shall be undertaken at the site.

Reason: In the interests of the amenity of the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

46. The fencing around the site shall be maintained at all times to exclude unauthorised persons and animals.

Reason: In the interests of the safety and amenity of persons in the locality, in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

47. There shall be no maintenance of vehicles or machinery within the quarry area unless in an emergency.

Reason: In the interests of amenity in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

48. No vehicle shall enter or leave the site except via the existing access using Caveridge Lane onto the A275 and there shall be no vehicular access along the Public Footpath 45b on the northern boundary of the site, except for grounds and landscape maintenance works.

Reason: In the interests of the amenity in the locality in accordance with Policy 31 of the East Sussex and Brighton & Hove Minerals Local Plan 1999.

#### Schedule of Approved Plans

C3 LAN 01 - Site and Setting, C3 LAN 02 - Site Location , C3 LAN 04 - Development Stages Area A, C3 LAN 05 - Restoration Proposals Area A, C3 LAN 06 - Development Stages Area B, C3 LAN 07 - Restoration Proposals Area B

#### 22. DEVELOPMENT CONTROL AND SITE MONITORING – QUARTERLY REPORT

22.1 The Committee considered a report by the Director of Transport and Environment

22.2 RESOLVED to note the report.

#### 23. EXTENSION TO EXISTING SCHOOL PAVILION TO FORM NEW CHILDREN'S CENTRE. OCKLYNGE COUNTY JUNIOR SCHOOL, VICTORIA DRIVE, EASTBOURNE – EB/2909/CC

23.1 The Committee considered a report by the Director of Transport and Environment.

23.2 Councillor Belsey, after speaking in support of the recommendation, left the Chamber for the rest of this item as he had declared a prejudicial interest.

Reason for decision

23.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

23.4 RESOLVED to approve the application 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 plans listed in the Schedule of Approved Plans.

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

3. No construction above ground shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Director of Transport and Environment. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development in the area, in accordance with Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

4. In this condition `retained trees` means existing trees which are to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the expiration of 10 years from the completion of the development.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Director of Transport and Environment.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and to BS 5837 before any equipment, machinery or materials are brought on to the site for the purposes of the commencement of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor any fires lit, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Director of Transport and Environment.

Reason: In the interests of visual amenity and to comply with Policies UHT4 and UHT7 of the Eastbourne Borough Plan 2001-2011.

5. Any trees, shrubs or hedges on the site which within a period of ten years from the occupation of the development are removed uprooted or destroyed or which become seriously damaged or diseased or die shall be replaced in the next planting season with others of similar size and species, unless the Director of Transport and Environment gives prior written consent to any variation.

Reason: To ensure for the proper integration of the development into the site and to comply with Policy UHT7 of the Eastbourne Borough Plan 2001-2011.

6. No development shall take place on the site until a written scheme of investigation and programme of implementation of archaeological work has been submitted to and approved

in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved scheme which shall be implemented in full.

Reason: In order to provide a reasonable opportunity to record the history of the site and to protect valuable archaeological remains.

7. During construction on site no machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site other than between the hours of 08.00 and 18.00 on Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site and to comply with Policy UHT1 and HO20 of the Eastbourne Borough Plan 2001-2011.

### Schedule of Approved Plans

Site Location and Block Plan, Extension GA Pavilion Plans and Elevations

23.5 Councillor St Pierre left the meeting.

- 24 A NEW SINGLE STOREY NURSERY TO BE LOCATED ON THE EASTERN SITE BOUNDARY TO THE SOUTH OF THE MAIN SCHOOL ENTRANCE. TO INCLUDE ASSOCIATED PLAY AREA, THE RELOCATION AND EXTENSION OF THE NETBALL COURT AND WORKS TO THE SITE ENTRANCE LAYOUT. THE HAVEN C OF E METHODIST PRIMARY SCHOOL, ATLANTIC DRIVE, EASTBOURNE – EB/2915/CC

24.1 The Committee considered a report by the Director of Transport and Environment. The Committee also considered an addendum report, produced as a result of representations received from Southern Water and the applicant after the report was drafted, which contained amended conditions together with an informative. The Committee were also informed by the Head of Planning of a further representation made by Cllr Susan Tarrant (Eastbourne Borough Council) after the report was drafted.

Reasons for decision

24.2 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report and paragraph 5 of the addendum report.

24.3 RESOLVED to approve the application 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 plans listed in the Schedule of Approved Plans.

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

3. No works shall commence on site until a detailed strategy and method statement for securing and demonstrating that the amount of construction waste resulting from the development has been reduced to smallest amount possible has been submitted to and approved in writing by the Director of Transport and Environment. The statement shall include details of the extent to which waste materials arising from construction activities will

be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be disposed of for reuse, recycling, composting or other method in accordance with the best practicable environmental option. All waste materials from construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WLP11 of the East Sussex and Brighton and Hove Waste Local Plan 2006.

4. Prior to the commencement of development a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Director of Transport and Environment. The approved scheme shall include elements as follows to be agreed with the Director of Transport and Environment;

1. A desk study identifying:

- a. All previous uses
- b. Potential contaminants associated with those uses
- c. A conceptual model of the site indicating sources, pathways and receptors
- d. Potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) above to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) above and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. Before the development is occupied a verification report confirming the remediation measures that have been undertaken in accordance with the method statement (3) above and including measures for maintenance, further monitoring and reporting shall be submitted to and agreed in writing with the Director of Transport and Environment.

Reason: To protect human health and the environment in accordance with Policy NE16 of the Eastbourne Borough Plan 2001-2011.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Director of Transport and Environment) shall be carried out until the applicant has submitted, and obtained written approval from the Director of Transport and Environment for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To avoid any risk of contamination from the former landfill site in accordance with Policy NE16 of the Eastbourne Borough Plan 2001-2011.

6. Development shall not commence until details of the building foundations including measures for protection from landfill gases have been submitted to and approved in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved details.

Reason: To protect human health and the environment in accordance with NE16 of the Eastbourne Borough Plan 2001-2011.

7. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Director of Transport and Environment, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment in accordance with Policy US4 in the Eastbourne Borough Plan 2001-2011.

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Director of Transport and Environment, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To prevent pollution of the water environment in accordance with Policy US4 in the Eastbourne Borough Plan 2001-2011.

9. No construction may take place above ground level until samples of the materials to be used in the construction of the external surfaces of the nursery building hereby permitted have been submitted to and approved in writing by the Director of Transport and Environment. Development shall be carried out in accordance with the approved details.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

10. The nursery school shall not operate until plans and full details of both hard and soft landscaping works have been submitted to and approved in writing by the Director of Transport and Environment and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc)

Soft Landscaping

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme

The landscaped areas shall be maintained thereafter in accordance with the approved management plan.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policy UHT7 of the Eastbourne Borough Plan 2001-2011.

11. Within 12 months of the occupation of the approved development a Travel Plan shall be submitted to and approved in writing by the Director of Transport and Environment. The Travel Plan shall be implemented thereafter and reviewed bi-annually or as otherwise agreed in writing with the Director of Transport and Environment.

Reason: To help manage the travel implications of the site and increase awareness and use of alternative modes of transport for school related journeys in accordance with Policy LCF18 of the Eastbourne Borough Plan 2001-2011.

12. The development shall not be occupied until parking areas for cars, motorcycles and bicycles have been provided in accordance with the approved plans. The parking areas provided shall be retained for the use of the nursery only unless otherwise agreed in writing in advance by the Director of Transport and Environment.

Reason: To ensure the parking facilities are provided in accordance with approved plans.

13. The development shall not be brought into use until the access has been remodelled in accordance with the approved plans.

Reason: In the interests of highway safety and to comply with Policy UHT1 of the Eastbourne Borough Plan 2001-2011.

14. Prior to the occupation of the approved nursery the proposed Games Court shown on drawing 101C shall be made available for use by the school.

Reason: To ensure the enhanced Games Court is provided in accordance with the approved plans.

15. Prior to the commencement of the development details of the measures to be undertaken by the applicant to protect the public sewers during construction shall be submitted to and approved in writing by the Director of Transport and Environment (in consultation with Southern Water). The approved details shall be fully implemented throughout construction.

Reason: To prevent pollution of the water environment during construction works in accordance with Policy US4 in the Eastbourne Borough Plan 2001-2011.

16. Details of the means of foul sewerage disposal shall be submitted to and approved in writing by the Director of Transport and Environment (in consultation with Southern Water) and the approved details fully implemented before the development is occupied.

Reason: To prevent pollution of the water environment in accordance with Policy US4 in the Eastbourne Borough Plan 2001- 2011.

17. Details of the proposed means of surface water disposal shall be submitted to, and approved by, the Director of Transport and Environment (in consultation with Southern Water) and the approved details fully implemented before the development is occupied.

Reason: To ensure adequate drainage of the site in accordance with Policy US4 in the Eastbourne Borough Plan 2001-2011.

## INFORMATIVE

1. Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require a Waste Management Licence or Pollution Prevention and Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early

stage to avoid any delays. Contaminated soil that is excavated, recovered or disposed of, is controlled waste: Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i) Duty of Care Regulations 1991
- ii) Hazardous Waste (England and Wales) Regulations 2005
- iii) Waste Management Licensing Regulations 1994 (as amended)
- iv) Pollution Prevention and Control Regulations (England and Wales) 2000
- v.) Landfill (England and Wales) Regulations 2002

2. You are advised that a formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Limited, Anglo Street, James House, 39A Southgate Street, Winchester SO23 9EH.

#### Schedule of Approved Plans

5364 100 Rev C - Site Plan, 5364/LOC - Location Plan, 5364 110 Rev C - Floor Plans, 5364 120 Rev D - Elevation, 5364 130 Rev C - Section, LLD290/01 Rev 02 - Landscape Masterplan Strategy, 5364 100 Rev D - Site Plan

#### 25. TILSMORE AREA TRAFFIC MANAGEMENT SCHEME- OBJECTIONS TO: EAST SUSSEX (U7369 TILSMORE ROAD, U7602 GHYLL ROAD AND U7602 SHEEPSETTING LANE) (TRAFFIC CALMING SCHEME) 2010

25.1 The Committee considered a report by the Director of Transport and Environment.

25.2 Mrs Susan Draper spoke in support of recommendation 1 and in opposition to recommendation 2 of the report.

25.3 Councillor Simmons, local member, spoke in support of both of the recommendations contained in the report and informed the Committee of Councillor Dowling's support for the proposals.

#### Reasons for decision

25.4 The Members have considered the officer's report and agree with the reasons set out in paragraph 5 of the report.

#### 25.5 RESOLVED:

1. not to uphold the objections to the proposed widening of the existing speed cushions associated with the Tilsmore Area Traffic Management Scheme, to improve traffic safety and reduce speeds; and
2. to uphold the objections to the proposed introduction to a new set of speed cushions outside Ghyll Rise in Ghyll Road and a two-sided pinch point with a speed cushion as a priority working feature outside Wyndley in Ghyll Road, to reduce the risk of increased traffic in Tilsmore Road.