

REGULATORY COMMITTEE

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes, on 13 June 2007.

PRESENT- Councillor Tunwell (Chairman), Daniel, Maynard (Vice-Chairman), Ost, Stogdon, Taylor and Woodall

1. MINUTES

1.1 RESOLVED – to approve as a correct record the minutes of the previous meeting held on 16 May 2007.

2. DECLARATION OF INTERESTS

2.1 Councillor Maynard declared a personal and prejudicial interest in item 5A in that he is Leader of Rother District Council. Councillor Maynard left the meeting whilst this item was discussed.

2.2 Councillor Glazier declared personal interest in item 5A in that he is the Lead Cabinet Member for Children's and Adult Services; and because he has two grandchildren living in the catchment area who could potentially use the new school if it were approved.

2.3 Councillor Shing declared a personal interest in item 7A in that he is a member of Wealden Planning Committee.

2.4 Councillor Martin declared a personal interest in item 7A in that he is a member of Wealden Planning Committee.

2.5 Councillor Taylor declared a personal and prejudicial interest in item 8 in that he is a director of Eastbourne Buses. Councillor Taylor left the meeting whilst this item was discussed.

3. REPORTS

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

4. NEW PRIMARY SCHOOL AND CHILDREN'S CENTRE, PLAYGROUNDS, ANCILLARY LAND USES AND FENCING WITH SERVICE ACCESS FROM A REMODELLED LOOP ROAD OFF LOVE LANE, REMODELLING OF THE RYE SPORTS CENTRE CAR PARK, WITH NEW FOOTPATH/CYCLEWAY FROM THE CAR PARK TO THE EASTERN BANK OF THE RIVER TILLINGHAM WITH 3 NEW BRIDGES ACROSS AND PART CULVERTING OF DRAINAGE DITCHES, NEW UNDERGROUND PUMPING STATION, AND MINOR REMODELLING OF THE THOMAS PEACOCKE COMMUNITY COLLEGE GOVERNORS NURSERY AT RYE. LAND EAST OF LOVE LANE ALLOTMENTS, LOVE LANE, RYE – RR/2562/CC

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

4.2 The Committee were advised that since the report was published 3 letters of representation had been received objecting to the siting of the school; effect on the neighbourhood; traffic implications; need for speed restrictions; and the narrowness of footways.

4.3 Richard Fisher, Mary Smith and Dominic Manning spoke against the proposal.

4.4 Matt Dunkley, Director of Children's Services spoke in support of the proposal.

4.5 Councillor Glazier, local Member spoke in support of the application confirming that generally no-one is opposed to the concept of having a new school, including the Town Council who would like to incorporate their cycle route. Councillor Glazier also confirmed that a delay would be detrimental to school provision in the county.

Reason for Approval

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

4.7 RESOLVED – subject to no further comments being received from Rother District Council by 22 June 2007 in response to the notice number 1, to authorise the Director of Transport and Environment to grant planning permission subject to the applicant meeting the following obligations;

(a) The applicant undertaking a full level crossing assessment required by Network Rail and the implementation of all requirements identified to provide for the continued safe operation of the level crossing, before the first occupation of the new primary school.

(b) Prior to the development being occupied a detailed biodiversity scheme shall be submitted for the approval of the Director of Transport and Environment. The report shall include a clear scheme of mitigation, compensation and enhancement measures, to provide alternative ecologically significant habitats for the protected species including land set aside within the application site and other site enhancements, or an adjacent area formed off-site as a receptor site for these ecological interests, together with details of their implementation and future management. Such proposals shall be implemented in full against a clear timescale.

To refer the application back to the Committee should any further comments be received from Rother District Council by 22 June 2007.

Upon receipt of written confirmation that the applicant will meet these obligations in (a) and (b) above to grant planning permission 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. Development shall not commence until samples of the materials (including colours) to be used in the construction of the external surfaces of the buildings 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 Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

3. Construction work shall not take place at any time other than between the hours of 0730 and 1730 Monday - Friday inclusive unless otherwise agreed before in writing by the Director of Transport & Environment.

Reason: To balance the wish of local residents for peace and quiet with the need to erect the school and children's centre.

4. During construction works there shall be no deliveries or export of surplus materials from the site on school days between the hours of 0815 and 0910, and 1500 and 1600.

Reason: To ensure that construction traffic does not conflict with pedestrian and vehicular traffic to the school and to maintain highway safety.

5. During any form of excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Director of Transport & Environment, to prevent mud and dust being brought onto the highway and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

6. The development hereby permitted shall not be occupied until a barrier has been erected at the loop road in Love Lane in accordance with plans and details to be submitted to and approved by the Director of Transport & Environment.

Reason: In the interests of highway safety.

7. Within one year of the first use of the school, a Travel Plan, in accordance with the aims and objectives of PPG13 (March 2001) and the Government White Paper (July 1998), shall be submitted to and approved in writing by the Director of Transport and Environment. The Travel Plan shall be implemented and thereafter maintained and/or developed in accordance with the approved details.

Reason: To increase awareness and use of alternative modes of transport for school journeys in accordance with Policy TR2 in the East Sussex and Brighton & Hove Structure Plan 1991 - 2011.

8. The site vehicular entrances shall not be used until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. At no time shall the dual use sports centre and school pick-up and set-down area be precluded from use by the activation of the existing egress barrier or the installation of such other gate or barrier.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in the interests of the visual amenities of the locality.

9. The development hereby permitted shall not be occupied for education use until the cycleway/footway from the proposed set down/pick up area and the cycleway/footway link to the west has been constructed and provided up to the main entrance of the school in accordance with plans and details to be submitted to and approved by the Director of Transport & Environment. These arrangements shall be available for use at any time the school and children's centre are open.

Reason: To ensure provision of a pedestrian link between the school, children's centre and the set down and pick up area in the Sports Centre car park.

10. The development hereby permitted shall not be occupied for educational use until the cycleway/footway from the main entrance of the school westwards to connect to the existing public right of way alongside the River Tillingham has been provided in accordance with plans and details to be submitted to and approved by the Director of Transport & Environment.

Reason: To ensure provision of the foot / cyclepath.

11. The development hereby permitted shall not be occupied for educational use until a minimum of 28 new covered cycle parking spaces are provided in accordance with plans and details to be submitted to the Director of Transport & Environment.

Reason: To ensure appropriate provision of secure cycle parking facilities.

12. The development hereby permitted shall not be occupied for educational use until the alignment of the bus turning area in Love Lane has been submitted to and approved by the Director of Transport & Environment and thereafter implemented in accordance with the approved details.

Reason: To ensure proper provision for buses and coaches to service the new school without congesting Love Lane.

13. No development shall take place 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
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc)
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc.)
- Retained historic landscape features
- Proposals for restoration, where appropriate

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 Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

14. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out no later than the first planting season following occupation of the school.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

15. Prior to the commencement of development, a scheme setting out the proposals for the relocation of reptiles and bats and the protection of foraging areas for badgers during construction works shall be submitted to and approved by the Director of Transport & Environment. The approved scheme shall be implemented in full.

Reason: To provide for the protection of wildlife and protected species in accordance with Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

16. Construction of the development hereby permitted shall not commence until details of an archaeological watching brief has been submitted to and approved in writing by the Director of Transport and Environment. The approved archaeological watching brief shall be maintained on all groundworks by a qualified archaeological contractor.

Reason: To ensure that any archaeological deposits and features disturbed during the proposed works are adequately recorded and to comply with Policy EN22 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

17. The occupation of the school shall not take place until the Director of Transport & Environment, in consultation with Southern Water, is satisfied that the necessary sewage and surface water infrastructure capacity is available to adequately service the development.

Reason: To provide for the satisfactory disposal of surface water and sewage.

18. Pedestrian access routes from the Primary School and the Children's Centre to the site entrance on Love Lane shall be set at a minimum of 3.5 metres AODN.

Reason: To facilitate safe access by staff, pupils and parents and the normal daily educational function of the school and nursery during times of flooding.

19. Prior to the occupation of the building, details shall be submitted to approved by the Director of Transport & Environment regarding the design and construction and programme of operation of a pump at the confluence of the Grove Road Stream and River Tillingham. The approved details shall be implemented in full and the pump operated in accordance with the programme of operation.

Reason: To facilitate surface water disposal from the site and reduce flood risk from the Grove Road Stream.

20. Development shall not commence until details of proposed means of surface water disposal have been submitted to and approved in writing by the Director of Transport and Environment in consultation with Southern Water and the buildings shall not be occupied until the works have been carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site and to prevent water pollution and to comply with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

21. The finished floor level of the buildings shall be at a minimum of 3.77 AODN.

Reason: To minimise the risk of internal flooding and subsequent damage to the building.

22. Before the development commences, satisfactory detailed proposals for the relocation of the waste storage area within the application site attached to Thomas Peacocke Community School shall be submitted for the written approval of the Director of Transport & Environment. Such approved proposals shall be implemented in full before the existing arrangement is removed.

Reason: To ensure the proper arrangements for waste storage and collection and in the interests of the visual amenity of the area.

23. No works shall commence on site including the carrying out of any works of demolition 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 the demolition and 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 the demolition and 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 W10 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and WLP11 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

INFORMATIVES

1. The applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Network Development Team (Wastewater), Otterbourne, Hampshire or online at www.southernwater.co.uk.

2. That the applicant consider the comments of the Sussex Police (Crime Prevention Design Advisor) in relation to the flat roof of the Children's Centre to prevent ready access to this area.

5. PART RETROSPECTIVE APPLICATION TO RESTORE LANDSCAPE. KETCHES FARM, BURNT OAK ROAD, CROWBOROUGH – WD/502/CM

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

- 5.2 The Chairman advised the Committee that Councillor Tidy, local Member had confirmed that he agreed with the officer's recommendation in the report.

- 5.3 Councillor Taylor abstained from debating and voting on the application due to being absent from the meeting for part of the item.

Reason for Approval

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

- 5.5 RESOLVED – to grant planning permission 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 and completed within two years of commencement of the development.

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

2. No works associated with this development shall be carried out other than between the hours of 0800 and 1630 on Mondays to Fridays inclusive and not at any time on Saturdays, Sundays, Bank and Public Holidays, unless otherwise first agreed in writing with the Director of Transport and Environment.

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

3. The development shall be carried out in accordance with the details submitted in the Management Plan Report (Ref 01) and Supporting Statement (Ref 02), dated 24/01/2007, subject to the other conditions of this permission, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To secure appropriate landscaping works and management of the area in the High Weald AONB, in accordance with Policy EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

4. There shall be no importation of any waste materials onto the site.

Reason: To protect the character and quality of the High Weald AONB, in accordance with Policy EN2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

5. No oil, fuel or lubricant or other potential pollutant shall be handled on the site in such a manner as to cause pollution to any watercourse 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 floors and walls of the bunded areas shall be impervious to both oil and water. The pipes shall vent downwards into the bund.

Reason: To minimise the risk of pollution to any watercourse or aquifer, in accordance with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

6. Prior to the commencement of the development, details of measures for the protection of trees within the vicinity of the proposed works, which shall include a plan identifying all of the affected trees, shall be submitted to the Director of Transport and Environment for approval. The approved details shall be carried out in full for the duration of the development.

Reason: To secure the protection of trees for their landscape and wildlife interest, in accordance with Policy WLP35(e) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

7. All non-inert waste materials arising from the proposed development shall be removed from the site and disposed of at an authorised waste disposal facility.

Reason: In the interests of the character and quality of the High Weald AONB and to prevent pollution to any watercourse or aquifer, in accordance with Policies EN2 and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policies WLP35(e) and WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

8. Prior to the commencement of works, details of measures to protect the pond and other wetland areas within or adjacent to the site shall be submitted to the Director of Transport and Environment. The approved details shall be carried out in full for the duration of the development.

Reason: To secure the protection of wetland areas, in accordance with Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP35(e) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

INFORMATIVES

1. A herbicide licence may be required for any spraying at the site due to its proximity to a waterbody. The applicant is advised to contact the Environment Agency (01903-832627) to discuss the proposals in this respect.
2. Controlled waste that is stored and then used for construction is subject to the requirements of Paragraph 19A of Schedule 3 of the Waste Management Licensing Regulations 1994 (as amended). The applicant should contact the Environment Agency (01903-832625) to discuss how the proposals may be affected by these Regulations.
3. Section 34 of the Environmental Protection Act 1990 states that it shall be the duty of any person who imports, produces, carries, keeps, treats or disposes of controlled waste or, as a broker, has control of such waste: (i) to take all reasonable steps to prevent any contravention by any other person of Section 33 of the 1990 Act (the main offence of illegal waste disposal); (ii) to prevent the escape of waste from his control; and (iii) on the transfer of waste, to secure that the transfer is only to an authorised person or to a person for authorised transport purposes, and that a transfer note and written description of the waste are also transferred. The applicant should contact the Environment Agency, as above, to discuss the implications of this Act in relation to the proposals.

6. OUTLINE APPLICATION FOR THE ERECTION OF 197 DWELLINGS, INCLUDING AFFORDABLE HOUSING, WITH ASSOCIATED ACCESS, STRUCTURAL LANDSCAPING AND RECREATIONAL SPACE. LAND AT BIRD IN EYE FARM SOUTH, UCKFIELD – WD/2006/3564

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

6.2 RESOLVED – To inform Wealden District Council that:-

1. The proposal represents development in the countryside outside the development boundary for Uckfield in the adopted Wealden Local Plan and is therefore contrary to Structure Plan countryside policy (policy S10). Provided Wealden District Council is satisfied that the sites allocated within the Non-Statutory Local Plan can be bought forward in a timely way to meet the housing provision for Wealden District set out in policy H1(b) of the East Sussex and Brighton & Hove Structure Plan, then there is no case for bringing forward this site for housing development as a departure from development plan policy. However, if Wealden District Council is minded to approve this application, the site would be subject to the same town centre transport infrastructure requirements as the allocated sites.

2. The site may have the potential in the longer term to be a sustainable urban extension to Uckfield but this potential would need to be examined in the context of the District Council's Local Development Framework which would be able to examine the sustainability of alternative distribution strategies for Wealden including transport and other infrastructure needed.

7. CONSTRUCTION OF 260 DWELLINGS, A NEW ROUNDABOUT, ACCESS ONTO DITTONS ROAD, AN EMERGENCY ACCESS AND FOOTWAY/CYCLEWAY ONTO SHEPHAM LANE, INTERNAL ACCESS ROADS, FOOTPATHS AND CYCLEWAYS, OPEN SPACE AREAS AND LANDSCAPING. LAND TO THE EAST OF SHEPHAM LANE, POLEGATE – WD/2007/1054

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

7.2 Councillor Martin, local Member spoke expressing concern about receiving extra funding for road improvements; whether the size of the proposed development would be sufficient and the potential for extra traffic on the bypass.

7.3 Councillor Shing, local Member sought clarification on the S106 Agreement and further details on other infrastructure.

7.4 The Committee agreed to amend part (b) in the recommendation.

7.5 RESOLVED – to inform Wealden District Council that:-

1. The County Council supports the principle of housing development on the application site as a departure from the adopted Wealden Local Plan and policy S10 of the Structure Plan, to help achieve structure plan housing provision for Wealden District for the period 2006-2011 (policy H1). The application also supports the achievement of structure plan policy for Policy (S19). However, Wealden District Council should only approve an application provided:-

- (a) appropriate contributions are made to trunk road junction improvements;
- (b) that, in addition to access works and other county highway improvements, a Local Sustainable Accessibility Improvement Contribution (LSAIC) is made towards local transport improvements;
- (c) that contributions to other county council infrastructure are secured through S106 Agreement including towards a new primary school and nursery school facility; and
- (d) that any approval is conditioned to minimise waste (Structure Plan policy W10, Waste Local Plan policy WLP11 and Construction and Demolition Waste Supplementary Planning Document).

8. A259 BRIGHTON – NEWHAVEN SUSTAINABLE TRANSPORT CORRIDOR (PHASE 1) – RESPONSES TO TRO OBJECTIONS

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

8.2 The Chairman advised the Committee that he had received an e-mail from Councillor Rogers, local Member for Newhaven and Ouse Valley West, confirming he strongly supported the recommendations in the report as the benefits of the scheme would be substantial for those Newhaven residents who already choose this transport mode to travel to the city for work or study; it would encourage others to do so; and would have a considerable positive environmental effect too.

8.3 Councillor Livings, local Member, advised residents from Telscombe Cliffs generally welcomed the proposal but were concerned over the failure to influence Brighton & Hove City Council regarding the Rottingdean Crossroads; and that benefits to residents in Peacehaven would be minimal.

8.4 Councillor Howson, local Member, requested an amendment to conditions to make the bus lane operational for 12 hours a day rather than 24 hours a day. This would allow residents to use the bus lane at night.

8.5 RESOLVED – not to uphold the objections to the proposed bus lanes, for the reasons set out in paragraph 3 of the report and in the appendix to the report.