

REGULATORY COMMITTEE

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes, on 29 April 2009.

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

83. MINUTES

83.1 RESOLVED – to approve as a correct record the minutes of the previous meeting held on 25 March 2009.

84. REPORTS

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

85. DECLARATIONS OF INTEREST

85.1 Councillor Daniel declared a personal and prejudicial interest in item 5D in that he was involved in petitioning against the original application. Councillor Daniel left the Council Chamber whilst this item was discussed and voted upon.

85.2 Councillor Maynard declared a personal and non prejudicial interest in items 5B and 6 in that he was Leader of Rother District council.

86. RETROSPECTIVE APPLICATION FOR A WASTE STORAGE AND TRANSFER BUILDING. HAZLEMERE, THREE CUPS, HEATHFIELD – WD/587/CM

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

Reason for decision

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

86.3 RESOLVED to grant planning permission subject to the following conditions:

1. Within 2 months of the date of this permission, the external surfaces of the building hereby permitted shall be painted a matt colour which has first been approved in writing by the Director of Transport and Environment.

Reason: In the interests of visual amenity within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy EN6 of the Wealden Local Plan 1998.

2. Within 2 months of the date of this permission, to submit a landscaping scheme which is acceptable to and approved in writing by, the Director of Transport and Environment. The scheme shall include:
 - (a) A detailed planting plan, noting numbers, positions, species and sizes for new planting of native trees and/or shrubs to supplement the existing hedge on the northern boundary of the metal recovery facility
 - (b) A detailed planting plan, noting numbers, positions, species and sizes for new planting of native trees and/or shrubs on the northern section of the western boundary of the metal recovery facility, to the east of Hazlemere.
 - (c) A programme for implementation and maintenance of the new planting.

The approved scheme shall be fully implemented in the first available planting season following its written approval, and thereafter maintained in accordance with the approved details.

Reason: In the interests of visual amenity within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy EN6 of the Wealden Local Plan 1998.

87. DELETION OF CONDITION 1 (TIME LIMIT) OF PLANNING PERMISSION RR/519/CM TO ALLOW THE CONTINUED STORAGE OF INERT HARDCORE/CRUSHED CONCRETE AND INTERMITTENT CRUSHING. CHURCHFIELDS, HARBOUR ROAD, RYE – RR/567/CM

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

87.2 The Committee was advised that since publication of the report, the Agent had confirmed that investigations had been carried out at the site and no elevated levels of contamination had been found. The Officer confirmed that these results would need to be verified with the Environment Agency.

Reason for decision

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

87.4 RESOLVED to grant temporary planning permission subject to the following conditions:

1. No later than 2 years from the date of this permission the use of the site for the stockpiling and crushing of inert waste materials shall cease and all waste materials, plant, equipment and boundary features shall be removed from the site and the site shall thereafter be returned to an open area of hardstanding.

Reason: A temporary permission is appropriate to enable an assessment of any impacts to be made resulting from the development, particularly in relation to the interests of the SSSI and SPA and to local amenity in accordance with Policy WLP35 (b) & (e) of the East Sussex and Brighton & Hove Waste Local Plan 2006, Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy GD1 (vii) of the Rother District Local Plan 2006.

2. No later than 30 June 2009, details of a programme to monitor and assess the effects of the development on adjacent land within the Site of Special Scientific Interest and Special Protection Area shall be submitted to the Director of Transport and Environment for approval and shall include a timetable for the monitoring and assessment. The approved details shall be carried out in full, unless otherwise agreed in writing with the Director of Transport and Environment.

Reason: To assess the effects of the development on the SSSI/SPA, in accordance with Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-201, Policy WLP35(e) of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy GD1(vii) of the Rother District Local Plan 2006.

3. No further importation, storage or crushing shall take place until the proposed barriers to delineate the site as shown on Drawing Number WM/252/101 have been installed and the completion of the barriers agreed with the Director of Transport and Environment.

Reason: To secure the containment of the activities within the site to protect the interests of the SSSI and SPA in accordance with Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Policy WLP35 (e) of the East Sussex and Brighton & Hove Waste Local Plan 2006 and Policy GD1 (vii) of the Rother District Local Plan 2006.

4. No activity or operation shall take place on site other than between the hours of 0800 and 1700 on Monday to Friday inclusive and at no time on Saturdays, Sundays, Public and Bank Holidays.

Reason: To safeguard local amenity in accordance with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

5. A written record of all days when crushing takes place shall be kept at the Churchfields Industrial Estate and crushing shall not take place at the application site other than for a maximum of 5 days in succession in any two month period, unless otherwise agreed first in writing with the Director of Transport and Environment.

Reason: In the interests of the amenity of the locality and the interests of the SSSI and SPA in accordance with Policy WLP35 (b) & (e) of the East Sussex and Brighton & Hove Waste Local Plan 2006, Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy GD1 (vii) of the Rother District Local Plan 2006.

6. Dust control measures at the site shall be implemented at all times in accordance with the Scheme for the Control of Dust dated March 2008 and approved on 4 September 2008.

Reason: In the interests of the amenity of the locality and the interests of the SSSI and SPA in accordance with Policy WLP35 (b) & (e) of the East Sussex and Brighton & Hove Waste Local Plan 2006, Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy GD1 (vii) of the Rother District Local Plan 2006.

7. No further importation, storage or crushing shall take place until:
 - (i) a scheme of investigation and assessment of land required for surface water drainage at the site has been submitted to and approved in writing by the Director of Transport and Environment, such scheme to be submitted within 21 days of the date of this permission. The scheme shall include a timetable for implementation; and
 - (ii) a scheme for surface water drainage has been submitted to and approved in writing by the Director of Transport and Environment, such scheme to be submitted within 21 days of the date of the approval of the investigation and assessment, the subject of (i) above. The scheme shall include a timetable for implementation. The approved schemes shall be carried out in full.

Reason: To secure an appropriate surface water drainage scheme, in accordance with Policies WLP37 and WLP38 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

8. No material stockpile shall be stacked or deposited on site to a height exceeding 3 metres measured from the adjacent undisturbed ground level.

Reason: In the interests of the amenity of the locality and to comply with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

9. No further importation, storage or crushing shall take place until four 3-metres high posts have been securely erected at each corner of the site as shown on Drawing Number WM/252/101 and the completion of the installation of the posts agreed with the Director of Transport and Environment.

Reason: To enable the height of the material stockpiles to be assessed accurately during operations in the interests of the amenity in the locality, in accordance with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

10. No artificial external lighting, including floodlighting, shall be installed or used in relation to the development other than in accordance with details first submitted to and approved in

writing by the Director of Transport and Environment. Such details shall include the type of lamp and reflector and the height of the supporting pole.

Reason: In the interests of the amenity of the locality and the interests of the SSSI and SPA in accordance with Policy WLP35 (b) & (e) of the East Sussex and Brighton & Hove Waste Local Plan 2006, Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy GD1 (vii) of the Rother District Local Plan 2006.

88. RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM GENERAL STORAGE AND DISTRIBUTION TO CO-MINGLED WASTE MATERIALS RECYCLING USE (SUI-GENERIS). 25 MOORHURST ROAD, ST LEONARDS ON SEA – HS/592/CM

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

88.2 The Committee was advised that since publication of the report, a further 3 letters of representation raising objections had been received via Hastings Borough Council. Two additional issues had been raised: that the Sui-generis use could lead to further unsuitable uses at the site; and that the use would be better suited to agricultural land away from residential areas.

Reason for decision

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

88.4 RESOLVED to grant planning permission subject to the following conditions:

1. No machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the site other than between the hours of 0730 and 1800 on Mondays to Fridays inclusive and between 0800 and 1300 on Saturdays and not at any time on Sundays, Bank and Public 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 amenities of the occupiers of properties in the vicinity of the site and to comply with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2. The operational noise levels from the site, measured as LAeq 1 hour (freefield) at the western boundary of the garden of 4 Carinus Gardens and in accordance with British Standard 4142:1997, shall be at least 5 dB below the background LA90 value.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site and to comply with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

3. Outside the permitted operating hours, there shall be no storage of empty containers or wheelie bins outside the building, unless in full accordance with a scheme which has first been submitted to and approved in writing by the Director of Transport and Environment. The scheme shall include the provision of a fenced and secured area for the storage of containers and/or wheelie bins.

Reason: To reduce the potential for fly-tipping and to protect amenity, in accordance with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

4. No storage container or wheelie bin shall be stored outside the building unless it is empty and stored within the area identified as `Empty Container Storage Area` on drawing no. CLEAR-02 (Block Plan), and in accordance with condition 3 above.

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

5. No sorted or unsorted waste material or residue of recycled materials whatsoever shall be stored outside the building, unless with the prior written approval of the Director of Transport and Environment.

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

6. There shall be no sorting, treatment, loading or unloading of waste or recyclable materials other than within the building, unless with the prior written consent of the Director of Transport and Environment.

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

7. This permission shall relate only to the processing and transfer of waste materials that have been collected by the applicant or their successors, being the operator of the application site, in the course of their business. No deliveries of any waste materials from any other source or third party shall be accepted at the site, unless with the prior written approval of the Director of Transport and Environment.

Reason: In the interests of amenity and to ensure the activity remains of a scale appropriate to its location, in accordance with Policy WLP35 (a) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

89. EXTENSION OF TIME WITHIN WHICH TO SIGN LEGAL AGREEMENT FOR THE FORMATION OF A TEMPORARY SOIL STOCKPILE TO THE NORTH WEST OF THE PEBSHAM LANDFILL SITE TO ACCOMMODATE MATERIAL RESULTING FROM THE CONSTRUCTION OF THE NORTHERN QUADRANT CELL AT THE PEBSHAM LANDFILL SITE. LAND TO THE NORTH WEST OF PEBSHAM LANDFILL, FRESHFIELDS, BEXHILL ROAD, PEBSHAM – RR/543/CM

89.1 Councillor Daniel left the Council Chamber whilst this item was discussed and voted upon. The remaining Members of the Committee considered a report by the Director of Transport and Environment.

89.2 The Chairman advised the Committee that the local Member, Councillor Forster had sent email correspondence confirming his support of the recommendations.

89.3 The Committee received a tabled revision to recommendation 2 which proposed an amendment as to how the publication of the South East Plan would be handled. The revision was voted upon and agreed as set out below.

89.4 RESOLVED that:

- (1) An extension of time be granted to 31 July 2009 to allow the completion of the Section 106 Legal Agreement relating to application RR/543/CM, as set out in the report to Committee in September 2008;
- (2) Should the South East Plan be published prior to the issue of permission, to delegate to the Director of Transport and Environment authority to consider the application in light of any changes resulting from the South East Plan replacing the Structure Plan and RPG9; and to authorise the Director of Transport and Environment to grant planning permission subject to conditions along the lines of those resolved previously by the Planning Committee on 10 September 2008, subject to any changes the Director of Transport and Environment considers necessary resulting from the publication of the South East Plan; and

- (3) If the Legal Agreement is not completed, the application should be referred back to Planning Committee for determination.

90. VARIATION TO SECTION 106 LEGAL AGREEMENT RELATING TO THE PEBSHAM WASTEWATER TREATMENT WORKS APPLICATION RR/245/CM

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

90.2 The Chairman advised the Committee that the local Member, Councillor Forster had sent email correspondence confirming his support of the recommendations.

90.3 RESOLVED to authorise the Director of Transport and Environment in conjunction with the Director of Law and Personnel to secure a variation to the legal agreement authorised by the Planning and Highways Sub Committee in relation to application RR/245/CM – construction of Pebsham Wastewater Treatment Works, to extend the repayment date to Southern Water Services of the unexpended balance to the Pebsham Countryside Park by a further five years (i.e. repayment by 30 January 2016).

91. DEVELOPMENT CONTROL AND SITE MONITORING QUARTERLY REPORT

91.1 The Committee considered a report by the Director of Transport and Environment and noted some issues for officers to consider.

91.2 RESOLVED to note the report.

92. PROPOSED SINGLE STOREY PAVILION. ST JOHN'S MEAD PRIMARY SCHOOL, 26 ROWSLEY ROAD, EASTBOURNE – EB/2763/CC

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

92.2 The local Member, Councillor Taylor, advised some local residents had voiced concerns regarding parking at the site should permission be granted. Councillor Taylor felt that the proposed building was sympathetic to the area and the facilities were long overdue on the site.

Reason for decision

92.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report. Members considered a revised recommendation which was agreed.

92.4 RESOLVED that (1) the Committee authorised the Director of Transport and Environment to negotiate with the applicant in relation to the design of the access to the toilets; and once he is satisfied that the design is satisfactory to grant planning permission subject to conditions along the lines set out below, including an additional condition that provision could be made for disabled access to the changing rooms and toilet facilities; and

(2) Should confirmation of disabled access not be received from the applicant, the matter be returned to the Committee for further consideration.

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 a scheme for the disposal of foul water which shall include provision for the prevention of pollution of any bore hole, well, spring or watercourse have been submitted to and approved in writing by the Director of Transport

and Environment. The approved details shall be provided and made ready before the building is brought into use.

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 and Policy NE14 of the Eastbourne Borough Plan 2001-2011.

93. INSTALLATION OF TWO FLAT PANEL ANTENNAE ON THE FIRE STATION TRAINING TOWER FOR THE EAST SUSSEX NGN FIXED WIRELESS ACCESS NETWORK. FIRE STATION, SPARROWS GREEN, WADHURST – WD/2771/CC

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

93.2 The Chairman advised the Committee that he had received email correspondence from the local Member supporting the application.

Reason for decision

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

93.4 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.

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