

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 25 July 2018.

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

7 MINUTES OF THE MEETING HELD ON 23 MAY 2018

7.1 The Committee approved as a correct record the minutes of the meeting held on 23 May 2018.

8 DISCLOSURES OF INTERESTS

8.1 Councillor Rodohan declared a personal interest in Item 8A in that he is a member of Eastbourne Borough Council, but he did not consider this to be prejudicial.

8.2 Councillor Taylor declared personal interests in Item 8A in that he is a member of Eastbourne Borough Council and also a local resident, but he did not consider that these were prejudicial.

8.3 Councillor Field declared a personal interest in Item 8B in that she is a local resident, but she did not consider this to be prejudicial.

9 REPORTS

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

10 ENVIRONMENTAL IMPACT ASSESSMENT APPLICATION FOR THE CONSTRUCTION AND USE OF PLANT, NAMELY AGGREGATE PROCESSING PLANT, AGGREGATE BAGGING PLANT, CONCRETE BATCHING PLANT AND BUILDINGS, ANCILLARY OFFICES AND STORES FOR PROCESSING AND UTILISING AGGREGATES LANDED AT NEWHAVEN PORT AND DISTRIBUTION OF THE PRODUCTS BY ROAD AND RAIL TOGETHER WITH ACCESS TO THE PUBLIC HIGHWAY AND THE EXTENSION OF AN EXISTING RAIL SIDING. FISHER'S WHARF, NEWHAVEN PORT, NEWHAVEN - LW/799/CM(EIA)

10.1 The Committee considered a report by the Director of Communities, Economies and Transport, together with an amendment to the Recommendation. The revised Recommendation was proposed due to the publication of the Revised National Planning Policy Framework which happened between publication of the agenda and the meeting, and recent revisions to the South Marine Plan.

10.2 The following people spoke against the application:

Name	Organisation
Mr Geoff King	Petitioner
Mr Jim Skinner	Friends of Tide Mills
Mr Richard Cowser	Sussex Ornithological Society
Cllr Johnny Denis	Lewes District Councillor
Ms Rachel Fryer	Community Action Newhaven
Ms Penny Lower	Local Resident

10.3 Mr Gregor Mutch, Managing Director of Brett Aggregates (the applicant), spoke in support of the application.

10.4 The written comments against the application of Councillor Grover, the Local Member, were read out to the Committee.

10.5 The Committee has considered the officer's report together with the amended Recommendation, and the comments of the public speakers and Local Member, and agree with the conclusions and reasons for recommendation as set out in paragraph 7 of the report.

10.6 The Committee RESOLVED, by a majority of 5 votes to 2:

(1) to approve the application and authorise the Director of Communities, Economy and Transport to grant planning permission subject to the conditions set out in paragraph 8.3 of the report (see Minute 10.7) and the following matters:

- (i) that the Director of Communities, Economy and Transport confirms that the revised National Planning Policy Framework and the South Marine Plan have not led to a material change in the policy circumstances of relevance to this planning application;
- (ii) the Secretary of State for Housing, Communities and Local Government having confirmed that the application will not be called in; and
- (iii) a section 106 Town and Country Planning Act Planning Obligation securing a contribution of £20,000 towards the Sussex Local Wildlife sites initiative and a contribution of £15,000 towards initiatives in the Newhaven Air Quality Action Plan having been completed;

(2) that should the Planning Obligation referred to in (1)(iii) above not be completed by 31 March 2019, then the application will be referred back to Committee for determination; and

(3) that should the requirement of paragraph (1)(i) not be met, then the application will be referred back to Committee for determination.

10.7 The permission will be 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 drawings and documents listed in the Schedule of Approved Plans.

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

3. The site shall not be used for the development hereby permitted other than between the hours of 07.00 - 18.00 on Mondays to Fridays inclusive and 07.00 - 13.00 on Saturdays, except for the loading of train wagons with aggregate material, which shall take place between the hours of 06.00 - 20.00 on Mondays to Saturdays inclusive, excluding on Bank and Public Holidays. There shall be no activities outside these times except in an emergency or unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

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

4. The movement of vehicles associated with the use of the concrete batching plant hereby approved shall not take place except via the pending Newhaven port access road to the east of the site. No such vehicles shall use the existing port access via Railway Road, Clifton Road and Beach Road.

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

5. Development of each stage of works (that is, Stages 1-3) as set out in the submitted Planning and Environmental Statement accompanying the planning application shall not commence until a Construction Management Plan has been submitted to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The construction details to be submitted for each stage shall include but not be restricted to:

- a) The phasing, duration and hours of works, including for piling;
- b) Measures to attenuate noise, dust and artificial light;
- c) Provision to manage any contaminated land;
- d) The anticipated number, frequency and types of vehicles to be used;
- e) The method of access and egress and routeing of vehicles;
- f) The parking of vehicles by staff and visitors;
- g) The storage of plant and materials;
- h) The installation and maintenance of any security fencing;
- i) The use of wheel washing facilities; and
- j) The measures to minimise the effects of the use of vehicles along Beach Road, Clifton Road and Railway Road.

For the duration of construction the Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the locality to accord with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

6. During construction works, noise levels shall not exceed 65 dBLeq, 12 hour (freefield) at any time at the nearest noise sensitive receptors at The Hope Inn, Newhaven Marina and Marine Drive, as shown at Appendix B in the Noise Assessment Report (ref. 4598), dated 12 October 2017, by WBM Acoustic Consultants.

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

7. Before the use of the site commences an Operational Travel Plan shall be submitted to the Director of Communities, Economy and Transport for written approval and the use of the site shall not commence until such written approval has been received. The Plan shall include measures to effectively minimise and manage the effects of the development on air quality in Newhaven. The Plan shall include details of:
 - a) A monitoring scheme to record and show the number of journeys using the A259 in the Air Quality Management Area;
 - b) The use of low emission vehicles, their maintenance, replacement programme and training of drivers; and
 - c) Rail freight timing schedules to be used for the transport of materials.

The Operational Travel Plan shall be carried out in accordance with the approved details.

Reason: In the interests of safeguarding the amenities of the locality in accordance with Policy WMP 25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

8. Before the use of the site commences a dust mitigation scheme shall be submitted to the Director of Communities, Economy and Transport for written approval and the use of the site shall not commence until such written approval has been received. The scheme shall include:
 - a) Measures for minimising dust at the site;
 - b) Provision to monitor the measures for dust mitigation to assess their effectiveness; and
 - c) Provision for reviewing the dust mitigation scheme.

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

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

9. No heavy goods vehicles associated with the use of Stages 1 and 2 of the development hereby permitted shall make deliveries to the site or transfer materials from the site within the hour of 08.00 and 09.00 on Mondays to Fridays inclusive.

Reason: In the interests of highway safety and amenity, with particular reference to the avoidance of the peak hour for drop off times for children at the Noah's Ark Nursery in Railway Road, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

10. Before the use of the site commences an external lighting scheme shall be submitted to the Director of Communities, Economy and Transport for written approval and the use shall not commence until such written approval has been received. The approved scheme shall be implemented throughout the course of the development, unless otherwise agreed in writing with the Director.

Reason: To protect the general amenities of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

11. The Flood Risk Management measures, including proposed mitigation, as set out in Section 8.0 of the submitted Water Environment and Flood Risk Assessment report by SLR Consulting Limited, dated October 2017, shall be carried out as part of the development. The measures shall be fully implemented prior to the commencement of the use hereby permitted and subsequently maintained throughout the duration of the development.

Reason: To ensure the risk of flooding is adequately managed and minimised in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

12. No development shall commence until details of the proposed means of foul water disposal and surface water drainage have been submitted to the Director of Communities, Economy and Transport for approval and such written approval shall have been given. The approved details shall be implemented in full, unless otherwise agreed in writing with the Director.

Reason: To provide for appropriate means of water disposal and to reduce the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

13. Prior to first use of the development hereby approved, a Noise Management Plan for the control and management of noise from the site operations and vehicle movements shall be submitted to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The Noise Management Plan must include the mitigation measures set out at Appendices 1 and 2 (Summary of Noise Mitigation Measures and Location and Height of Acoustic Barriers, respectively) in the Technical Note, dated 11 July 2018 (ref. 4598), by WBM Acoustic Consultants. The development shall thereafter be

carried out in accordance with the approved details, unless otherwise agreed in writing with the Director.

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

14. The noise rating level from the site shall at all times not exceed the measured background noise level at the nearest noise sensitive receptors at The Hope Inn, Newhaven Marina and Marine Drive, as shown at Appendix B in the Noise Assessment Report (ref. 4598), dated 12 October 2017, by WBM Acoustic Consultants, as measured in accordance with BS 4142:2014.

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

15. Within three months of the first use of the site a noise survey shall be undertaken by the applicant in accordance with BS 4142:2014 and the results submitted forthwith in a report to the Director of Communities, Economy and Transport. The survey shall:
 - (a) Demonstrate whether the noise levels required by Condition 14 are being achieved;
 - (b) If the survey does not demonstrate such compliance then the report must include measures to reduce noise, which shall at first be agreed in writing with the Director, such that the noise levels required by Condition 14 will be met;
 - (c) These measures shall be implemented within a time period to be agreed with the Director and compliance shall be demonstrated by a follow-up noise survey, which must be submitted to and agreed in writing with the Director within two months of the measures being implemented; and
 - (d) This process shall continue until the approved noise criteria have been met.

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

16. Before the commencement of works within the area of the railway sidings, details for the protection of reptiles shall be submitted to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The details shall include proposed methods of trapping and provision for translocation. The approved details shall be carried out in full.

Reason: To protect reptiles in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

17. Before the commencement of the use of the site a Staff Travel Plan shall be submitted to the Director of Communities, Economy and Transport for written approval and such approval shall have been obtained. The Staff Travel Plan shall include measures for reducing the need for staff to use private motorised vehicles and provide for the monitoring of the effectiveness of these measures. The Staff Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce dependence on the car to accord with the provisions of Part 4 of the National Planning Policy Framework 2012.

18. No part of the development shall be occupied until the proposed car parking spaces have been constructed and provided in accordance with the approved drawings. The areas shall thereafter be retained for that use and shall not be used for any other use.

Reason: To secure appropriate parking arrangements in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

19. No part of the development shall be occupied until the vehicle turning and loading areas have been constructed within the site in accordance with the approved drawings. These areas shall be retained at all times for these uses and shall not be obstructed.

Reason: To secure appropriate turning and loading arrangements in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

Informatives

1. The applicant will require an Environmental Permit from the Environment Agency for any flood risk activities proposed to be undertaken as part of the development and should contact that body accordingly.
2. The applicant is reminded of the requirements of Southern Water regarding the protection of sewer infrastructure. No development or tree planting should be located within 3 metres either side of the external edge of the public foul sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public sewer.
3. A formal application for connection to the public sewerage system is required in order to service this development. The applicant should contact Southern Water in Otterbourne, Hampshire on 0330 303 0119, or via its website, to discuss the matter. The applicant should also contact Southern Water regarding the disposal of any trade effluent from the site.
4. The applicant will require a 'Part B' Environmental Permit from Lewes District Council to operate the concrete batching plant.

Schedule of Approved Plans

Figure 10 - Elevations of proposed aggregate bagging facility, Figure 11 - Elevations of the proposed office (excluding inset Location Plan), Figure 13 - Elevation of the discharge hopper and conveyors, Figure 1 Rev A - Location of the application site, Figure 2 Rev A - Local Planning Permissions, Figure 3 Rev A - Photographs of the application site, Figure 4 Rev A - Occupation of Newhaven Harbour, Figure 5 Rev A - Visualisation of the buildings on the LDA and the Rampion Land, Figure 6 Rev A -

Landscape Features, Figure 7 Rev A - Nearby noise sensitive receptors, Figure 8 Rev A - Stage 1 Development, Figure 12 Rev A - Stage 2 Development, Figure 14 Rev A - Stage 3 Development, Figure 18 Rev A - Extract from LDC Proposals Map, Figure 9 - Elevations of proposed aggregate processing plant, Figure 15 - Elevations of proposed concrete batching plant (excluding inset Site Plan)

11 DEMOLITION OF EXISTING SINGLE STOREY BUILDING. CONSTRUCTION OF 2NO SINGLE STOREY BLOCKS PLUS 1NO TWO STOREY BLOCK TO PROVIDE SUPPORTED LIVING ACCOMMODATION FOR ADULTS WITH COMPLEX NEEDS; ACCOMMODATION TO COMPRISE 6 SELF-CONTAINED FLATS (LONG TERM OCCUPANCY) AND 4 STUDIO APARTMENTS (SHORT TERM OCCUPANCY) WITH ASSOCIATED ANCILLARY STAFF & EXTERNAL SPACES. GREENACRES, MILL LANE, CHAILEY, BN8 4PY - LW/3393/CC

11.1 The Committee considered a report by the Director of Communities, Economy and Transport, together with an amendment to the Recommendation. The revised Recommendation was proposed due to the publication of the Revised National Planning Policy Framework which happened between publication of the agenda and the meeting.

11.2 Ms Julia Tingle, a local resident, spoke against the Recommendation.

11.3 Mr Richard Lewis, Strategic Commissioning Manager for Learning Disability Services and Sean Hambrook, Major Projects Manager, both of the County Council, spoke in support of the application.

11.4 An amendment to Condition 3 concerning timing of deliveries was proposed and agreed. A motion to vary Condition 3 along the lines of Condition 6 to further restrict deliveries to certain time periods or seeking prior approval of the Director of Communities, Economy and Transport was proposed but not seconded.

11.5 Members have considered the officer's report, the amendments to the recommendations, and the comments of the public speakers, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

11.6 RESOLVED by 6 votes to 0 (with one abstention) that the application be approved and the Director of Communities, Economy and Transport be authorised to grant planning permission subject to:

- (i) the conditions set out in paragraph 8.1 of the report (see minute 11.7); and
- (ii) confirmation by the Director of Communities, Economy and Transport that the revised National Planning Policy Framework has not led to a material change in the policy circumstances of relevance to this planning application. Should this requirement not be met, then the application will be referred back to the Committee for determination.

11.7 The permission will be 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 development shall take place, including any ground works or works of demolition, until a Construction Management Plan, has been submitted to and approved in writing by the Director of Communities, Economy and Transport. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The plan shall provide details as appropriate but not be restricted to the following matters;
 - the anticipated number, frequency, access, egress and routeing of vehicles during construction taking account of other construction projects in the vicinity.
 - the parking of vehicles by site operatives and visitors,
 - the timing with regard to the loading and unloading of plant, materials and waste,
 - the protection of retained trees
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and use of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.

Reason: In the interest of highway safety and amenity of the area.

4. Prior to commencement of development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The SWMP shall include details of dust and noise controls during demolition as well as how construction waste will be minimised. Development shall be carried out in accordance with the approved SWMP.

Reason: To minimise disruption and construction waste to be removed from site in accordance with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. Prior to commencement of development a detailed surface water management design shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The design shall include hydraulic calculations which take account of connectivity with different surface water drainage features together with details of maintenance and management. Before the development is occupied the approved drainage system shall be made available for use and written agreement of Southern Water for any connection to the public sewer provided to the Director of Communities, Economy and Transport.

Reason: To ensure appropriate management of surface water in accordance with Saved Policy ST3 in the Lewes District Local Plan 2003.

6. Construction work shall not take place at any time other than between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0800 and 1400 on Saturdays and not at any time on Sundays, Bank and Public Holidays other than

with the prior written approval of the Director of Communities, Economy and Transport.

Reason: To strike a balance between the need to carry out construction as speedily as possible but at the same time to minimise the impact of construction on the occupiers of properties in the vicinity of the site and to comply with Saved Policy ST3 in the Lewes District Local Plan 2003.

7. No development, excluding demolition, 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 Communities, Economy and Transport and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, refuse or other storage units, signage etc).

Soft Landscaping

- Protection of retained trees
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme
- Management Plan

Planting shall be maintained thereafter in accordance with the approved Management Plan.

Reason: To secure appropriate landscaping of the site in the interests of the amenity of the locality in accordance with Saved Policy ST3 in the Lewes District Local Plan 2003

8. Prior to commencement of development, excluding demolition, details of external lighting (including numbers, type of luminaires and isolux calculations) shall be submitted to and approved in writing by the Director of Communities, Economy and Transport and installed lighting shall be implemented in accordance with the approved details.

Reason: In the interests of safety, security and the amenities of the area and to accord with Saved Policy ST3 in the Lewes District Local Plan 2003.

9. Notwithstanding details shown on approved plans, prior to construction above ground samples of the external materials to be used in the construction of the buildings hereby permitted shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. 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 Saved Policy ST3 in the Lewes District Local Plan 2003.

10. The development shall not be occupied until the vehicle and cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that purpose and shall not be used other than for the parking of vehicles and cycles.

Reason: To ensure an appropriate level of parking is available for vehicles and cycles at the site, in accordance with Core Policy 13 of the Lewes District Joint Core Strategy 2016.

11. The operational noise rating level from plant shall not exceed 35 dBLAeq, 1hr (freefield) at the nearest noise sensitive receptor as measured in accordance with BS 4142:2014'

Reason: To minimise the noise impact from plant in accordance with Saved Policy ST3 in the Lewes District Local Plan 2003.

Schedule of Approved Plans

HBS-DR-(10)-A-200 P1 - Site Location Plan, HBS-DR-(10)-A-201 P1 - Existing Site Block Plan, HBS-DR-(10)-A-202 P3 - Proposed Site Block Plan, HBS-DR-(10)-A-310 - Proposed Ground Floor Plan, HBS-DR-(10)-A-311 P4 - Proposed First Floor Plan, HBS-DR-(10)-A-312 P4 - Proposed Roof Plan, HBS-DR-(10)-A-400 P3 - Proposed Elevations, HBS-DR-(10)-A-500 P2 - Indicative Site Sections

12 DEVELOPMENT MANAGEMENT MATTERS: QUARTERLY REPORT

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

12.2 The Committee RESOLVED to note the report, and thank officers for their work on site monitoring and enforcement.

13 TRO - EASTBOURNE (DEVONSHIRE THEATRE AREA) PARKING REVIEW - TRO 414

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

14.2 Ms Christina Ewbank of the Eastbourne Chamber of Commerce, spoke to support the recommendation and request further consideration of the proposals in Hardwick Road, Compton Street and Jevington Gardens.

14.3 Councillor Taylor, the Local Member and member of the Planning Committee, proposed an amendment to the recommendation, to make the original order as advertised, which was seconded, voted on and lost.

14.4 Members have considered the officer's report and comments of the public speaker and Local Member, and agree with the conclusions and reasons for recommendation, as set out in paragraph 3 of the report.

14.5 RESOLVED unanimously to (1) uphold in part the objections to the draft Traffic Regulation Order as set out in the report; and

(2) recommend to the Director of Communities, Economy and Transport that the Order be made in part as detailed in Appendix 3 of the report.

14 TRO - A2100 LONDON ROAD, BATTLE - PROPOSED EXTENSION OF 40MPH SPEED LIMIT

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

14.2 Councillor Field, the Local Member and member of the Planning Committee, spoke in support of the recommendations.

14.3 Members have considered the officer's report and comments of the Local Member, and agree with the conclusions and reasons for recommendation, as set out in paragraph 3 of the report.

14.4 RESOLVED unanimously to (1) not uphold the objections to the draft Traffic Regulation Order as set out in the report; and

(2) recommend to the Director of Communities, Economy and Transport that the Order be made as advertised.