#### DELEGATED REPORT

Report considered and agreed by Head of Planning and Environment

*Edward Sheath*……………….. date …13 November 2019………

## Report considered and agreed by Team Manager, Planning Policy & Development Management

…*Sarah Iles*………………….. date …12 November 2019…

Report by: **Director of Communities, Economy and Transport**

Proposal:  **Proposed variation of Conditions 2 (Approved drawings) and 3 (Landscaping) of planning permission RR/728/CM**

Site Address: **Land to the south of New Cut and land to the south of Solomon’s Lane, Mountfield.**

Applicant: **Mr John Awdry, Southern Water Services Limited**

Application No: **RR/825/CM**

Key Issues: **(i) Proposed amendments to the treatment works**

 **(ii) Proposed amendments to the pumping station**

Contact Officer: **Jeremy Patterson Tel: 01273 481626**

Local Member: **Councillor Kathryn Field**

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**RESOLUTION OF THE DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

**Under the powers delegated to me by the Governance Committee on 3 July 2012, I resolve to approve the proposal subject to the variation to the s106 Agreement dated 13 March 2015 between East Sussex County Council, The Trustees of the Mountfield Court Estate Trust and Southern Water Services Limited and the s278 Agreement dated 20 December 2015 between the same parties and to the conditions set out in the recommendation.**

# CONSIDERATION OF RELEVANT PLANNING MATTERS

## The Site and Surroundings

1.1 Mountfield village is located within the High Weald Area of Outstanding Natural Beauty (AONB) and this proposal is relevant to both the existing wastewater treatment works site on the south side of Solomon’s Lane and the pumping station site on the south side of New Cut. Both roads track westwards into the village directly from the A2100.

## Site History

## 2.1 Planning permission was granted (ref. RR/728/CM) in 2015 for a first time sewerage scheme in Mountfield on land off Solomon’s Lane and New Cut. The permission is subject to requirements under a legal agreement relating to highway works and to conditions.

## The Proposal

3.1 The proposal is to vary two conditions of planning permission RR/728/CM: (i) To amend the list of approved drawings under Condition 2, following the proposed changes to the layout of the treatment works and pumping station sites and to the landscaping at both sites; and (ii) To amend the landscaping schemes at both the treatment works and pumping station sites under Condition 3. Development at the pumping station site is largely complete and is currently progressing at the treatment works site.

## Consultations and Representations

4.1 Rother District Council raises no objections.

4.2 Mountfield Parish Council had raised an objection regarding the lack of planting / landscaping at the New Cut Pumping Station site. However, following changes to the landscaping scheme by the applicant, the Parish Council have withdrawn its objection.

4.3 The Highway Authority notes that a s278 agreement for highway works is in place. While the works at both the treatment works and pumping station sites are substantially complete, there are still a number of outstanding issues to be completed before the preliminary certificate, in respect of the works undertaken through the s278 agreement, can be issued.

4.4 Flood Risk Management ESCC has no comments.

4.5 The High Weald AONB Unit recommends that: (1) The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the setting of the AONB landscape; and (2) Native, locally sourced plants should be used for the additional landscaping to support wildlife and avoid contamination by invasive, non-native species or plant diseases.

4.6 Local representations: One representation from the Mountfield Residents Group has been received, which welcomes the proposed amendments to the treatment works site but objects to the lack of screening / landscaping at the pumping station site.

1. **The Development Plan and other policies of relevance to this decision are:**

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP10 (Management of waste water); WMP23a (Design principles); WMP25 (General amenity); WMP27 (Environment).

5.2 Rother Local Plan Core Strategy 2014: Policies: OSS4 (General development considerations); RA3(v) (Development in the countryside); EN1 (Landscape stewardship); EN5(ix) (Biodiversity and green space).

5.3 National Planning Policy Framework (NPPF) 2019

The NPPF is a material consideration in the determination of planning applications but does not change the status of the Development Plan as the starting point in decision making. Parts 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) are relevant.

5.4 High Weald Management Plan 2019

In broad terms, the Plan defines the natural beauty of the AONB and identifies the key landscape components of the High Weald. It then sets objectives for these components and identifies actions that could conserve and enhance the AONB.

1. **Considerations**

**Proposed amendments to the treatment works**

6.1 Although the current design of the treatment works was approved as part of the planning permission in 2015, it has since been reviewed by the applicant as part of the detailed design process prior to construction. The review identified a number of opportunities for engineering and operational improvements, including removing some plant and reducing the size of the MCC kiosk. These and other measures have allowed the overall built form of the treatment process to be aligned north-south within the existing footprint of the works, rather than east-west, as currently approved. This has the effect of reducing the amount of land occupied by plant and equipment required for the treatment works, while maintaining its function.

6.2 The changes to the layout of the works would also result in environmental benefits, including reducing the visual effect from Solomon’s Lane, altering the outfall position adjoining the stream, thereby resulting in less disturbance to vegetation, and providing a bund with native tree and shrub planting within the site to aid visual screening and create habitat. This bund would also facilitate a reduction in vehicle movements during the construction phase by retaining soils on site. Moreover, the realignment of the treatment plant now provides space on the western side of the site for seeding as a wildflower meadow.

6.3 The applicant has not directly referred to the High Weald Colour Study (recommended by the High Weald Unit) in this case but has nevertheless chosen colours and finishes of plant which have been considered against the AONB landscape. Much of the plant at the treatment works would be finished in steel, although the kiosk would be coloured holly green. The site would be largely screened from public viewpoints, particularly when the proposed planting becomes established, and it not considered that the proposed finishes and colours would conflict with the setting of the local AONB landscape or visual amenity. A similar context applies to the identification of finishes and colours used at the pumping station site at New Cut.

**Proposed amendments to the pumping station**

6.4 As well as the treatment works site, changes are also proposed to the pumping station site at New Cut, to more easily accommodate an existing culvert and to comply with Health and Safety Standards. These changes have resulted in a need to revise the size and layout of the pumping station and the associated plant and equipment, including the kiosk. The kiosk is now larger than originally proposed, being approximately 2.3 metres high, 3.3 metres long and 1.1 metres wide to accommodate additional electrical equipment and enhance its security rating.

6.5 Wire mesh fencing is now in place around the pumping station site, rather than a chain link fence topped with barbed wire, as originally approved, which represents an improvement to the overall design. The new layout of the pumping station was originally proposed to be landscaped with hedgerows around the eastern, southern and western boundaries of the compound with planting extending to the east and west to align with existing fencing. However, the north elevation would not have been landscaped and would therefore be visually exposed. This proposal resulted in the submission of two objections and as a consequence, the applicant revised the landscaping details so that the northern boundary would also benefit from hedgerow planting within the compound security fence, except where the front gates are positioned. However, these gates would be fitted with green coloured close boarded fencing inside to aid the screening of the compound and reduce the visual impact at this point.

6.6 The kiosk has already been installed and is coloured holly green. It would rise about 0.35 of a metre above the 1.8 metres high security fence and therefore would be seen from views outside the site. However, the available views are not considered to be significant, as most of the kiosk and compound would be screened once the planting has become established.

**7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is to vary two conditions of planning permission RR/728/CM, which seek to amend the list of approved drawings, following changes to the layout of the treatment works and pumping station sites and to the landscaping schemes. The proposed layout of the treatment works site would reduce the overall developed area and facilitate enhanced landscaping. The proposed changes to the pumping station site would enable it to be largely screened on all sides by hedgerow planting and fencing, resulting in limited public views of the interior. As such, the proposal is acceptable and complies with Policies WMP10, WMP23a, WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policies OSS4, RA3(v), EN1 and EN5(ix) of the Rother Local Plan Core Strategy 2014 and the relevant provisions of the National Planning Policy Framework 2019 and the High Weald Management Plan 2019.

7.3 In determining this planning application, the County Council has worked with the applicant in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

**8. Recommendation**

8.1 To grant planning permission subject to the variation to the s106 Agreement dated 13 March 2015 between East Sussex County Council, The Trustees of the Mountfield Court Estate Trust and Southern Water Services Limited and the s278 Agreement dated 20 December 2015 between the same parties and to the following conditions:

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

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

2. The development shall take place in accordance with the approved details under Condition 3 (Landscaping) of planning permission RR/728/CM as set out in the letter from East Sussex County Council to Paris Smith dated 7 December 2015 and shall include the following:

1. Drawings PJC-0803-001 Rev F and PJC-0803-002 Rev F as replacements for Drg No. 5105602/WA/511 Rev C (Treatment works site);

 2. Drawings JN.497392.0Z0712 Rev B and JN.497392.0Z0714 Rev B as replacements for Drg No. 5105602/WA/510 Rev B (Pumping station site); and

 3. Cotoneaster sp. to be replaced with Cornus sanguinea as part of the planting scheme at the treatment works site.

 The approved details shall be implemented in full.

 Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

3. Any trees, shrubs or other plants which are planted as part of the landscaping requirements which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

 Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. No machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the development sites on land off Solomon's Lane and New Cut during the period of construction other than between the hours of 07.30 to 18.30 Mondays to Fridays inclusive and 07.30 to 13.00 on Saturdays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport. There shall be no working at these sites on Sundays or Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

 Reason: To safeguard the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. The development shall be carried out in accordance with the Construction Management Plan, dated 27/08/2014, and other documents approved under Condition 6 (Traffic Management) of planning permission RR/728/CM as set out in the letter from East Sussex County Council to Paris Smith dated 7 December 2015.

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

6. The new access from Solomon's Lane to the treatment plant shall be undertaken in the position shown on submitted Drawing No. JN.639669.0Z0710 Rev B (formerly DrgNo. 121874-C-800011 A under planning permission RR/728/CM) and shall be constructed and laid out in accordance with the HT407 diagram attached to planning permission RR/728/CM and all works undertaken shall be executed and completed with the agreement of the Highway Authority.

 Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the access and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. The proposed gate at the new access to the treatment works off Solomon's Lane shall be positioned at least 10 metres back from the edge of the highway.

 Reason: To enable a vehicle to wait clear of the highway while the gate is being operated in the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. The proposed parking and turning areas shall be provided in accordance with the submitted Drawing No. JN.639669.0Z0710 Rev B (formerly Drg No. 121874-C-800011 A under planning permission RR/728/CM) and the areas shall thereafter be retained for those uses and shall not be used other than for the parking and turning of motor vehicles.

 Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the site and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. The proposed lay-by off New Cut shall be carried out in the position shown on submitted Drawing No. JN.497392.0Z0711 Rev A (formerly Drg No. 5105602/WA/503 Rev A under planning permission RR/728/CM) and laid out and constructed in accordance with the specification agreed with the Highway Authority and all works undertaken shall be executed and completed by the applicant and agreed with the Highway Authority.

 Reason: In the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. All construction activities shall be managed in accordance with British Standard 5228-1: 2009 (code of practice for noise and vibration control on construction and open sites - Part 1: noise) or such updated British Standard as may be issued in place of British Standard 5228-1: 2009.

 Reason: To ensure that the relevant British Standard trigger levels are not exceeded in the interests of protecting the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. At all times the noise rating level of the pumping station off New Cut and the wastewater treatment works off Solomon's Lane shall be at least 10dB below existing background noise levels as measured in accordance with British Standard 4142:2014 (Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas) and at the nearest residential properties to the pumping station and wastewater treatment works.

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

12. The development shall be carried out in accordance with the details approved under Condition 14 (Minimising effects on wildlife) of planning permission RR/728/CM as set out in the East Sussex County Council letter to Paris Smith dated 7 December 2015.

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

Schedule of Approved Plans

JN.639669.0Z0701A - Site Location Plan, JN.639669.0Z0710B - General Site Layout Wastewater Treatment Works, JN.639669.0Z0711B - Proposed Wastewater Treatment Works Outside Elevations, JN.639669.0Z0712B - Proposed Wastewater Treatment Works Inside Elevations Sheet 1 of 2, JN.639669.0Z0720A - MCC Kiosk, PJC-0803-001 Rev F - Landscape General Arrangement Plan, PJC-0803-002 Rev F - Landscape Detailed Planting Plan, JN.497392.0Z0711A - Pumping Station General Site Layout, JN.497392.0Z0713A - Kiosk and Plinth Plan and Section, JN.497392.0Z0713B - Proposed Wastewater Treatment Works Inside Elevations Sheet 2 of 2, JN.497392.1C2901F - Layout of Intermediate Pumping Station Sheet 1 of 3, JN.497392.0Z0712 Rev B - New Intermediate Pumping Station Landscape Plan, JN.497392.0Z0714 Rev B - Intermediate Pumping Station Elevations

RUPERT CLUBB

Director of Communities, Economy and Transport

19 December 2022

## BACKGROUND DOCUMENTS

## Application RR/825/CM

Planning permission RR/728/CM

The Development Plan

National Planning Policy Framework 2019

High Weald Management Plan 2019