**DELEGATED REPORT**

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

……*Sarah Iles*…………………….. date …14th December 2020……………

Report considered and agreed by Principal Planning Officer, Planning Policy & Development Management:

……*JAS Patterson*……………………………….. date 10th December 2020…

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

Proposal: **Construction of vehicle service depot with associated landscaping and construction of a lorry strapping shed on a separate site.**

Site Address: **Mountfield, Robertsbridge TN32 5LA**

Applicant: **E Clarke, Saint-Gobain Construction Products UK Ltd. t/a British Gypsum**

Application No: **RR/846/CM**

Key Issues: **i) Principle of the Development**

**ii) Siting, Design and impact on the High Weald AONB**

**iii) Transport and Effects on Carbon Emissions**

Contact Officer: **Benjamin Brett, Tel No. 01273 481833**

Local Member: **Councillor Kathryn Field**

**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 conditions set out in the recommendation.**

**CONSIDERATION OF RELEVANT PLANNING MATTERS**

**1. The Site and Surroundings**

1.1 British Gypsum Ltd is a major supplier of gypsum-based products to the UK construction industry and the Robertsbridge Works near Mountfield (referred to subsequently as ‘the Works’) are the principal element of the company’s manufacturing operations in southern England. The Works are located a short distance to the north-east of Netherfield village and south-west of the village of Mountfield and approximately 4 kilometres to the north of Battle. The site is accessed via a private access road, some 2 kilometres in length, from the A2100 to the east.

1.2 The Works site is a significant industrial development, set within the High Weald Area of Outstanding Natural Beauty (AONB), and comprises a gypsum processing facility, plasterboard manufacturing facility, two closed gypsum landfill sites, railway sidings, lorry and car parking and office facilities. An overland conveyor, approximately 5 kilometres in length, transports gypsum from the Brightling Mine to the north west of the site, to the processing facility at the Works. The proposed vehicle service depot would be located in the western part of the site, on an area of hardstanding which is currently used for the storage of raw materials. The proposed lorry strapping shed would be in a separate location, adjacent to the existing reception building in the central part of the site.

1.3 The Works site is set within a deep valley and is surrounded on all sides by dense woodland. It has no direct neighbours, and the nearest residential areas are in Netherfield village 700m to the south, Mountfield village 1km to the north and east, with a number of other isolated farmsteads and properties all at least 700m from the site.

**2. The Proposal**

2.1 The proposal is to construct a vehicle service depot to allow the operator to service and MOT their fleet of trucks onsite, and to construct a lorry strapping shed in a separate location to provide an enclosed space for loading and securing lorries in all weather conditions. It is proposed that there would be 4 new full-time jobs created as part of the proposal, and 4 part-time.

2.2 The proposed service depot would be located on a development site of approximately 0.95ha in size in the western part of the Works. There are no existing buildings on the site, however there is a concrete frame used for strapping goods to vehicles that would be demolished as part of the proposal. There is an existing culvert running through the top part of the site below ground, therefore the building would be positioned at the back of the site to avoid this, close to the slope and existing wooded area at the southern site boundary. The remainder of the site would be used for parking, with 8 car parking spaces, 2 disabled spaces and 50 truck trailer bays being installed. This would also include two electric car charging points. External lighting would be installed around the outer perimeter of the building and in the parking areas for health and safety and security reasons. Landscaping is proposed along the southern and eastern borders of the site, which would comprise of shrub planting and wildflower seeding.

2.3 The service depot building itself would be approximately 26m in width, 30m in length and 7m in height, not including a fixed safety handrail on the roof of approximately 1m in height. The building would have a khaki green wall cladding, with a contrasting dark green hipped roof fitted with glass skylights and photovoltaic panels. It would have four full height dark green goods doors on the east and west elevations, as well as pedestrian access doors, box gutters and drainpipes all in the same green.

2.4 The proposed strapping shed would be located in the central part of the Works, in an area that currently contains lorry trailer bays. The building would be approximately 22m in length, 7.5m in width and 5m in height. It would have grey wall cladding and a contrasting grey hipped roof in keeping with the adjacent buildings, with glass skylights, dark grey coloured box gutters, drainpipes, a pedestrian access door and two full height goods doors on its east and west elevations all in grey.

**3**. **Site History**

3.1 The site has been the subject of a large number of planning permissions, the most recent of which were granted in 2017 for the construction of a shed (reference: RR/804/CM), and for the realignment of the site entrance at Eatenden Lane and associated works (reference: RR/803/CM).

**4. Consultations and Representations**

4.1 Rother District Council: **No objection** subject tothe County Council being satisfied that mitigation can be included through appropriate planning conditions to ensure that the development is acceptable in AONB terms, including the protection of dark night skies and safeguarding ancient woodland close to the site and satisfactory drainage proposals that avoid harm to the natural environment. The District Council also considers that a condition would be appropriate to ensure that the servicing of lorries relates to the applicant's own fleet of vehicles only.

4.2 Mountfield Parish Council: **Support** the application.

4.3 Environment Agency: **No objection** subject to a condition requiring that if previously unidentified contamination is found, no further development shall take place until a remediation strategy detailing how this contamination will be dealt with has been submitted to the County Council and approved.

4.4 Highway Authority: **No objection** subject to conditions ensuring access is via the existing private access road and requiring the submission of a Construction Traffic Management Plan prior to the commencement of the development.

4.5 Lead Local Flood Authority: **No objection**, subject to standard conditions concerning a detailed surface water drainage system, a maintenance and management plan for the drainage system, details of measures taken to reduce flood risk during construction and evidence that the drainage system has been constructed as per the agreed design.

4.6 The High Weald AONB Unit: Recommend that, in the event planning permission is granted, the following requirements are met: that colours of external materials are selected from the High Weald Colour Study, that drainage proposals seek to restore the natural functioning of river catchments, that native and locally sourced plants are used for any landscaping and that controls over lighting are imposed to preserve dark skies.

4.7 Local Representations: A representation was received from the Darwell Area Conservation Society (DACS) citing concerns regarding the protection of the natural environment, the proposed lighting and its effect on the ‘dark skies’ of the AONB, flood risk and contamination. Further information was provided by the applicant, and the DACS confirmed that their concerns had been answered. A second representation was received from Hunters Farm, Brightling stating that the applicant should be required to provide further detail on proposed lighting and take steps to reduce light pollution. The applicant provided further information including an External Lighting Statement, and the County Council considers this objection to be overcome, however no further response has been received from the occupants of Hunters Farm.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policies WMP18 (Transport – Road, Rail and Water), Policy WMP24a (Climate Change), WMP26 (Traffic Impacts), WMP27 (Environment and Environmental Enhancement), WMP28a (Flood Risk) and WMP28b (Water Resources and Water Quality).

5.2 Rother Development and Site Allocations (DaSA) Local Plan 2019: Policies DEN1 (Maintaining Landscape Character), DEN2 (The High Weald Area of Outstanding Natural Beauty (AONB)), DEN5 (Sustainable Drainage) and DEN7 (Environmental Pollution).

5.3 Rother District Local Plan Core Strategy 2014: Policy RA3 (Development in the Countryside), Policy SRM1 (Towards a Low Carbon Future), Policy EN1 (Landscape Stewardship), Policy EN3 (Design Quality), Policy EN7 (Flood Risk and Development) and Policy TR3 (Access and New Development).

5.4 High Weald AONB Management Plan 2019-2024: The High Weald AONB Management Plan is a material consideration for making decisions on planning applications within the AONB and its setting.

5.5 National Planning Policy Framework: The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. In particular, parts 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) are relevant here.

**6. Considerations**

**Principle of the development**

6.1 The site operator, British Gypsum, own a fleet of trucks. These trucks currently need to be taken offsite to have their servicing and MOTs carried out by external companies. The proposal would provide a custom-built facility to allow servicing and MOTs to be carried out onsite, thus improving efficiency and reducing the number of vehicle movements to and from the site. The proposed strapping shed would also help to improve efficiency at the site by providing a sheltered space for workers to strap products onto lorries in all weather conditions. Overall, it is considered that the proposal would benefit the site and that it would have a positive effect on emissions and the local area. The principle of the development is therefore considered to be acceptable.

**Siting, Design and Impact on the High Weald AONB**

6.2 Policy WMP27 of the Waste and Minerals Plan states that permission will not be granted where development would have a significant adverse impact on the High Weald AONB.

6.3 Policy DEN1 of the Rother Development and Site Allocations (DaSA) Local Plan states that the siting, layout and design of development should maintain and reinforce the landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape, and that particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining ‘dark skies’. Policy DEN2 of the same Plan states, *inter alia*, that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty. Policy DEN7 of the Plan states that development will only be permitted where it is demonstrated that, *inter alia*, there will be no significant adverse impacts on environmental character as a result of lighting, that the proposed scheme is necessary and the minimum required, and is designed to minimise light pollution including light glare and sky glow and to conserve energy.

6.4 Policy EN1 of the Rother Core Strategy states that proposals should ensure the protection, and wherever possible enhancement of, *inter alia*, the distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty. Policy EN3 of the same Plan states that new development will be required to be of high design quality by, *inter alia*, contributing positively to the character of the site and surroundings and demonstrating robust design solutions as appropriate to the site and context tested against Key Design Principles including: the landscape setting of buildings, design in the context of the site and wider setting, building appearance and quality, and sustainable design and construction. Policy RA3 of the Plan states that proposals for development in the countryside must ensure that all development is of an appropriate scale and will not adversely impact on the landscape character or natural resources of the countryside.

*i) Siting and Design*

6.5 The Works are set within the countryside of the High Weald, surrounded by dense forest and without any direct neighbours. Due to the strength of the vegetative screen and the topography of the site, views from the surrounding landscape and residential properties are very limited. The proposed buildings would only perhaps be seen in wider views of the Works; therefore, their visual impact needs to be considered in this context.

6.6 The service depot building would be sited along the southern edge of the development site, adjacent to the woodland at the southern site boundary, in order to avoid disruption to the existing culvert. The woodland area to the south is at a higher ground level than the site, therefore despite the size of the service depot building it would not be clearly visible from the south. The building would be on an area of existing hardstanding that has previously been used for minerals storage and lorry parking, so the development would not extend the overall footprint of the site or substantially change the use of the area. Within this context and due to the low ground level and the positioning of the proposed service depot within the development site, its siting is considered to be acceptable. The proposed lorry strapping shed would be positioned adjacent to a number of existing light industrial buildings in the central part of the Works, the majority of which are taller and larger than the proposed shed. It is considered that the proposed strapping shed would have a negligible visual impact in the context of the existing Works, and therefore its siting is acceptable.

6.7 The proposed service depot would use colours closely matched to those from the High Weald Colour Study in order to better integrate the building into the wider landscape of the AONB, with khaki green cladding and dark green detailing. The proposed strapping shed would be similar in appearance to the buildings adjacent to it, and to the majority of the buildings within the Works, with grey coloured wall cladding and dark grey roofs. Both buildings would be largely functional in design, in keeping with the industrial setting of the wider site, but opportunities have been taken to enhance their visual appearance through the use of contrasting colours and detailing, and overall it is considered that the buildings make a positive contribution to design within the overall context of the Works.

6.8 The proposed service depot and lorry strapping shed are considered to be acceptable in terms of their siting and design, and the proposal therefore accords with Policy DEN1 of the Rother DaSA and Policies EN3 and RA3 of the Rother Core Strategy.

*ii) Impact on the High Weald AONB*

6.9 Development within the High Weald AONB should seek to be sympathetic to the conservation of, and where possible enhance, the designation. The Works site, as a major industrial development, is an outlier within an AONB landscape that is largely characterised by woodland, open fields and small-scale settlements. The proposed buildings would be within the existing site boundary of the Works on brownfield land, and would be similar in appearance to the existing buildings onsite; therefore, any impacts of the proposal on the AONB need to be considered in the context of the existing site.

6.10 There are no opportunities for planting at the proposed strapping shed, and there is limited space available around proposed service depot building. However, some planting along the southern and eastern borders of the service depot site is proposed, which would help to prevent damage to the existing trees and could provide some small-scale enhancement to the AONB. The development of the proposed service depot building would allow trucks to be serviced onsite, which would reduce vehicle movements through the AONB, thereby reducing pollution and other disturbances within the area.

6.11 The proposed service depot would require the installation of artificial lighting around the perimeter of the building and within the adjacent parking area. The applicant has provided an External Lighting Statement to demonstrate that all lighting at the site will have 0% upward light, as well as detailing measures to mitigate against negative effects including through the use of seasonal timeclocks and a dimming system when lights are not in use, thereby reducing the impact of sky glow and helping to preserve the dark skies of the AONB. It is considered that, in the context of the existing Works, the proposal would not have a significant adverse impact on the AONB in terms of lighting and its effect on dark skies.

6.12 Overall, it is considered that the proposal does not harm the qualities of the High Weald AONB designation, and provides some small-scale enhancement, and that it therefore complies with Policy WMP27 of the Waste and Minerals Plan, Policies DEN1, DEN2 and DEN7 of the Rother DaSA and Policy EN1 of the Rother Core Strategy.

**Transport and Effects on Carbon Emissions**

6.13 Policy WMP18 of the Waste and Minerals Plan states that waste and minerals developments should seek to minimise transport movements. Policy WMP26 of the same Plan states that proposals will be permitted where, *inter alia,* there are suitable arrangements for onsite vehicle manoeuvring, parking and loading/unloading areas. Policy WMP24a of the Plan states that proposals must take account of climate change for the lifetime of the development, and that, *inter alia*, measures should be incorporated to minimise greenhouse gas emissions and to allow flexibility for future adaptation to the impacts of climate change including locating and designing the facility and transport related to the development in ways that seek to minimise greenhouse gas emissions.

6.14 Policy TR3 of the Rother Core Strategy states, *inter alia*, that development will be permitted where mitigation against transport impacts which may arise from that development or cumulatively with other proposals is provided including, *inter alia*, through the provision of electric vehicle charging infrastructure. Policy SRM1 of the same Plan provides a strategy to mitigate and adapt to the impacts of climate change through, *inter alia*, promoting more sustainable travel patterns.

*i) Transport*

6.15 The proposed buildings would only be accessed via the existing private site access road, known as Robertsbridge Gypsum Mine Access Road. There would be a slight increase in car movements as a result of the increased numbers of staff generated by the proposal, however this would be offset against the significant reduction in truck movements that would result from the proposal, thereby far outweighing any minor increase in car movements. The proposal would generate a significant increase in parking bays at the Works as the area where the service depot would be located currently has no parking. Most of these would be trailer bays including some to compensate for the bays that would be lost due to the installation of the strapping shed. The area outside the service depot is considered to allow ample room for vehicle manoeuvring, loading and parking. Overall, the proposal is considered to comply with Policies WMP18 and WMP26 of the Waste and Minerals Plan and Policy TR3 of the Rother Core Strategy.

*ii) Effects on carbon emissions*

6.16 The proposal would reduce the total greenhouse gas emissions from the Works as it would allow for a significant reduction in lorry movements. The service depot building would provide two electric vehicle charging spaces to promote sustainable travel, as well as photovoltaic panels on its roof to provide solar energy for use onsite. Local materials would be used in order to reduce energy use and carbon emissions during construction. It is considered that the proposal would contribute towards reducing the overall carbon footprint of the Works, and the proposal therefore accords with Policy WMP24a of the Waste and Minerals Plan and Policies TR3 and SRM1 of the Rother Core Strategy.

**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 for a vehicle service depot and lorry strapping shed would improve operations at the Works, and would be of benefit to the wider area, and is therefore considered to be acceptable in principle. The proposed buildings are considered to be acceptable in terms of their siting, design and impact on the High Weald AONB, and the proposal is also considered acceptable in terms of its transport implications and impacts on climate change. It therefore complies with Policies WMP18, WMP24a, WMP26 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, Policies DEN1, DEN2 and DEN7 of the Rother Development and Site Allocations Local Plan and Policies EN1, EN3, RA3, SRM1 and TR3 of the Rother Core Strategy Local Plan.

7.3 In determining this planning application, the County Council has worked with the applicant and agent 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 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. There shall be no servicing or maintenance of HGVs other than the applicant's own fleet at the site, except for emergency repairs.

Reason: To safeguard the High Weald Area of Outstanding Natural Beauty, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Policy DEN2 of the Rother Development and Site Allocations (DaSA) Local Plan 2019, and to enable the County Planning Authority to control and regulate the use of the site.

4. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Director of Communities, Economy and Transport. Thereafter, the approved CMP shall be implemented and adhered to in full throughout the entire construction period. The CMP shall provide details regarding, but not limited to, the following matters:

• The anticipated number, frequency and types of vehicles used during construction;

• The method of access and egress and routeing of vehicles during construction;

• The arrangements for the parking of vehicles by site operatives and visitors;

• The loading and unloading of plant, materials and waste;

• The storage of plant and materials used in the construction of the development;

• The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;

• Details of measures to manage flood risk, both on and off the site, during the construction of the development; and,

• Details of measures to protect the existing culverted watercourse during the construction of the development.

Reason: In the interests of highway safety and the amenities of the area, and in order to effectively manage flood risk at the site during construction, in accordance with Policies WMP26 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy DEN5 of the Rother Development and Site Allocations (DaSA) Local Plan 2019 and Policy EN7 of the Rother Local Plan Core Strategy 2014.

5. If, during development, previously unidentified contamination is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Director of Communities, Economy and Transport, or as otherwise agreed in writing. The remediation strategy shall thereafter be implemented as approved.

Reason: To ensure that the development does not contribute to, is not adversely affected by or put at unacceptable risk from, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. Prior to the commencement of the development hereby permitted, a detailed surface water drainage scheme shall be first submitted to and approved in writing by the Director of Communities, Economy and Transport. The surface water drainage scheme shall incorporate the following:

a. Detailed drawings and hydraulic calculations which shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 3.5 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

b. The details of the outfall of the proposed drainage system and how it connects into the culverted watercourse shall be submitted as part of a detailed design including cross sections and invert levels. Further investigation into the exact location of the culverted watercourse beneath the site should also be carried out. The exact location of the culvert shall be shown on the drainage drawing.

c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d. The detailed design of the surface water drainage system (including the underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed attenuation features. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

Reason: In order to effectively manage flood risk at the site, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy DEN5 of the Rother Development and Site Allocations (DaSA) Local Plan 2019 and Policy EN7 of the Rother Local Plan Core Strategy 2014.

7. Prior to the commencement of the development hereby permitted, a maintenance and management plan for the entire drainage system shall be first submitted to and approved in writing by the Director of Communities, Economy and Transport, and shall thereafter remain in place for the lifetime of the development. The maintenance and management plan shall cover the following:

a. The plan shall clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

b. Evidence shall be provided detailing how these responsibility arrangements will remain in place throughout the lifetime of the development.

Reason: To ensure the continued efficacy of the drainage system in managing flood risk at the site, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy DEN5 of the Rother Development and Site Allocations (DaSA) Local Plan 2019.

8. Prior to occupation of the development hereby permitted, evidence (including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs shall be submitted to and approved by the Director of Communities, Economy and Transport.

Reason: In order to ensure that flood risk is effectively managed at the site, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy DEN5 of the Rother Development and Site Allocations (DaSA) Local Plan 2019 and Policy EN7 of the Rother Local Plan Core Strategy 2014.

Schedule of Approved Plans

10366-BAN-00-XX-RP-C-0002 - Low/Zero Carbon Technology Report, 15294 - Flood Risk Assessment and Drainage Strategy, 20139473.602/B.0 - Robertsbridge Preliminary Ecological Appraisal, 002 - Existing Site Plan Rev G, 004 - Tracking 1 Rev G, 005 - Ground Floor Plan Rev G, SUPERSEDED 300 - Section 1 Rev D, 200728-404.07794.00195.00030 - Topography Plan, 4148 Site 000 Site Location Plan, 4148 Site 001 Site Location Plan Rev H, 200730 404 00195 00030 Robertsbridge Landscape and Visual Appraisal, 10336 Ban Zz Zz Rp C 0003 External Lighting Planning Statement, 4148 Service Depot 006 Roof Plan Rev H, 4148 Service Depot 003 Proposed Site Plan 1 200 Rev H, 4148 Strapping Shed 015 Elevations Rev C, 4148 Service Depot 008 Elevations 2 Rev H, 4148 Service Depot 007 Elevations 1 Rev H, 4148 Service Depot 300 Section 1 Rev E, 4148 Design And Access Statement Rev D

RUPERT CLUBB

Director of Communities, Economy and Transport

**BACKGROUND DOCUMENTS**

Application File RR/846/CM

The Development Plan