


**Communities Economy and Transport**



**Rupert Clubb**  
BEng(Hons) CEng MICE  
Director

County Hall  
St Anne's Crescent  
Lewes  
East Sussex  
BN7 1UE

  
www.eastsussex.gov.uk

Mr Stacey Robins  
Head of Planning & Environmental Services  
Wealden District Council  
Council Offices, Vicarage Lane  
HAILSHAM  
BN27 2AX Fao Miss C Boddy

Date:  
17 December 2020  
your ref  
WD/2020/6001/CM

please contact  
Amanda Parks  
Lewes ()  
Direct Fax 

our ref  
WD/843/CM  
AP

Dear Mr Robins

#### **TOWN AND COUNTRY PLANNING ACT 1990**

**WD/843/CM - RECONFIGURATION OF SITE LAYOUT INCLUDING: EXTENSION TO YARD; INSTALLATION OF VERTICAL SILO; INSTALLATION OF WEIGHBRIDGE; ERECTION OF STORAGE BUILDING; OPERATION OF CONCRETE CRUSHER; NEW LIGHTING SCHEME; NEW DRAINAGE INFRASTRUCTURE; FULL CONVERSION OF BROWNINGS TO OFFICE AND HMO ACCOMMODATION. WOODSIDE DEPOT, HAILSHAM ROAD, POLEGATE, BN27 3PG (WITHIN LAND EDGED RED ON APPLICANTS PLAN NO. BA1652.01A)**

At their meeting on 16 December 2020 the Planning Committee of the Regulatory Committee on behalf of the County Council resolved, to authorise the carrying out of the above development. Planning Permission is now granted. A copy of the Decision Notice is attached hereto.

Therefore, in accordance with the above Act would you please accept this letter in conjunction with the plans shown as formal notification of the development for the purpose of your Register of Planning Applications and Decisions.

Approved Plan(s) numbered: BA1652.09 - Proposed Site Layout, BA1652.01A - Site Location, ELE/01 - Storage Barn Indicative Elevations, SUR/01 - Draft Topographic Survey as at July 17, PL 1429 - Arrangement of 809 Weigh Hopper & Support Structure Sheet 1 of 1, BA17110.10 - Brownings HMO Layout and Elevations, Planning Statement April 2020, Lighting Assessment, Arboricultural Assessment & Method Statement, Tree Protection Plan, Surface Water Drainage Design, Bat Activity Survey Report, R7412-2 Updated Noise Impact Assessment, Updated Dust Impact Assessment & Management Plan, R7412 5 Rev 1 Hailsham Roadways Noise Management Plan

Yours sincerely

*Sarah Iles*  
Sarah Iles  
Team Manager Planning Policy & Development Management

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Copies to: Planning Liaison Officer - Environment Agency – for Information  
Mr Austin IRUK Waste Planning & Consultancy Ltd - Agent  
Local Land Charges – Wealden District Council

**EAST SUSSEX COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2010**

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To :- To Mr J Bailey County Ref. No. WD/843/CM  
Hailsham Roadway Construction Co. District Ref. No.: WD/2020/6001/CM -  
Ltd  
c/o Mr Austin  
IRUK Waste Planning &  
Consultancy Ltd  
Highbridge Estates, Highbridge Road  
Brambridge, Eastleigh  
SO50 6HS

In pursuance of their powers under the above mentioned Act, Order and Regulations, the Council as the local planning authority hereby GRANT PLANNING PERMISSION for Reconfiguration of site layout including: extension to yard; installation of vertical silo; installation of weighbridge; erection of storage building; operation of concrete crusher; new lighting scheme; new drainage infrastructure; full conversion of Brownings to office and HMO accommodation. Woodside Depot, Hailsham Road, Polegate, BN27 3PG (Within land edged red on applicants plan no. BA1652.01A) in accordance with your application validated by the East Sussex County Council on 12 May 2020 and the plans and particulars submitted in connection therewith and subject also to due compliance with the condition(s) specified hereunder:-

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, drawings and documents listed in the Schedule of Approved Plans.

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

3. During the daytime there shall be no screening or batching activities at the site except between the hours of 07.00 - 18.00 on Mondays to Fridays inclusive and 07.30 - 12.30 on Saturdays and no crushing activities except between the hours of 08.00 - 18.00 on Mondays to Fridays inclusive and 08.00 - 12.30 on Saturdays and there shall be no screening, batching or crushing activities at any time on Sundays, Bank or Public Holidays.

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

4. The operational noise rating level determined at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall not exceed +5 dBA above the background noise level at any time during the day (i.e. between the hours of 07.00 - 18.00), as determined in accordance with BS 4142:2014 +A1:2019.

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

5. The operational noise rating level determined at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall not exceed the background level at any time during the night (i.e. between the hours of 18.00 - 07.00), as measured in accordance with BS 4142:2014 +A1: 2019 except for up to 36 times per calendar year when the operational noise rating level determined at the identified noise sensitive receptors shall not exceed +5 dBA above the background noise level at any time during the night (i.e. between the hours of 18:00 – 07:00), as measured in accordance with BS 4142:2014 +A1: 2019.

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

6. Within 3 months of the site becoming fully operational following the implementation of the development an assessment of the operational noise at the noise sensitive receptors identified in the 24 Acoustics report, dated 27 August 2020 (ref. R7412-2 Rev 2), shall be undertaken in accordance with BS 4142:2014 +A1:2019 to determine compliance with the noise rating level conditions and be submitted to the Director of Communities, Economy and Transport for consideration and approval. The noise assessment must include a scheme of additional noise mitigation measures if there is evidence that the noise conditions are not being met. All additional noise mitigation measures must be implemented within 3 months of the measures being agreed with the Director and maintained for the duration of the development.

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

7. The access from the Brownings property onto Summerhill Lane shall not be used except by persons living as residents in the Brownings HMO accommodation.

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

8. Prior to the commencement of development involving the HMO accommodation at Brownings, the following details on changes to the access arrangements at the Brownings property shall be submitted to the Director of Communities, Economy and Transport for approval in writing:

- (1) The extent of the removal of vegetation either side of the Brownings' entrance onto Summerhill Lane to secure an increase in visibility (to accommodate splays of 2.4m x 30m) for drivers exiting the site;
- (2) The proposals for planting to the rear of the visibility splays in point (1) to mitigate for the loss of the hedgerows; and
- (3) The measures to modify the access of Brownings with Summerhill Lane to accommodate a width of 5 metres for a distance of at least 5 metres back from the edge of the carriageway.

The approved details to the access arrangements shall be implemented in full prior to the completion of the HMO accommodation, unless otherwise agreed in writing with the Director.

Reason: In the interests of highway safety, local landscape character, protection of trees and biodiversity, in accordance with Policies WMP26 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy WCS12 of the Wealden Core Strategy Local Plan and the provisions of Part 15 of the National Planning Policy Framework 2019.

9. Prior to the construction of any new hardstanding, a detailed scheme for a surface water drainage system at the site shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The scheme shall include the following:

1. Detailed drawings and hydraulic calculations, which shall take into account the connectivity of the different surface water drainage features and be able to demonstrate that surface water flows can be limited to the greenfield rate for the respective rainfall event, including those with a 1 in 100 (plus allowing for climate change) annual probability of occurrence;
2. Details of the outfall of the proposed drainage system and how it connects into the watercourse, including cross sections and invert levels;
3. Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely; and
4. The detailed design of the surface water drainage features which 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 a one metre 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 shall be provided.

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

Reason: In the interests of managing surface water effectively and minimising the risk of flooding, in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. Prior to the construction of any new hardstanding, a maintenance and management plan for the entire drainage system at the site shall be submitted in writing to the Director of Communities, Economy and Transport for written approval, thereby ensuring that the designed system takes into account the design standards of those responsible for maintenance. The plan shall include the following:

1. A clear statement of who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and
2. Evidence of how the arrangements in point 1 above will remain in place throughout the lifetime of the development.

The plan shall be implemented in accordance with the approved details for the duration of the development.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. Prior to the construction of any new hardstanding, details for the management of flood risk, both on and off site, during the construction phase shall be submitted to the

Director of Communities, Economy and Transport for written approval. The approved details shall be carried out in full.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. Prior to the occupation of the development evidence, including photographs, which shall demonstrate that the drainage system has been constructed in accordance with the final agreed detailed drainage design, shall be submitted to the Director of Communities, Economy and Transport for consideration and approval.

Reason: In the interests of managing surface water effectively and minimising the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. Prior to the commencement of any works to trees or hedgerows at the site the following details shall be submitted to the Director of Communities, Economy and Transport for approval in writing. The details shall include:

1. Planting proposals on the northern boundary of the site and within identified gaps in other boundaries of the site, including species, numbers and spacings of plants;
2. Measures for the withdrawal of material stockpiles from the boundaries of the site and their containment thereafter;
3. Proposals for planting between the new containment lines for the material stockpiles and the existing hedgerows;
4. A long term landscape management strategy for newly planted areas and enhanced management for existing scrub and tree habitats; and
5. Locations for the installation of 4 bat boxes on trees identified as having roost potential for bats.

The approved details shall be carried out in full.

Reason: In the interests of visual amenity and the protection and enhancement of habitats and biodiversity, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Policy WCS12 of the Wealden Core Strategy Local Plan 2013.

14. The provisions for the protection and management of retained trees set out within the Arboricultural Assessment and Method Statement, Barrell Tree Consultancy, dated 28 February 2020, shall be carried out in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure the appropriate management of retained trees, in accordance with Saved Policies EN12 and EN14 of the Wealden District Local Plan 1998.

15. No pile or stockpile of material shall exceed six metres in height.

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

#### Schedule Of Approved Plans

BA1652.09 - Proposed Site Layout, BA1652.01A - Site Location, ELE/01 - Storage Barn Indicative Elevations, SUR/01 - Draft Topographic Survey as at July 17, PL 1429 - Arrangement of 809 Weigh Hopper & Support Structure Sheet 1 of 1, BA17110.10 - Brownings HMO Layout and Elevations, Planning Statement April 2020, Lighting

Assessment, Arboricultural Assessment & Method Statement, Tree Protection Plan, Surface Water Drainage Design, Bat Activity Survey Report, R7412-2 Updated Noise Impact Assessment, Updated Dust Impact Assessment & Management Plan, R7412 5 Rev 1 Hailsham Roadways Noise Management Plan

## INFORMATIVE

1. The Applicant's attention is drawn to the provisions and requirements of the following in the undertaking of the development:

The Wildlife and Countryside Act 1981 (as amended).

Tree Preservation Order, Hailsham, No. 25, 1990.

The Pevensey and Cuckmere Water Level Management Board's discharge consenting process.

Wealden District Council licence application for HMO accommodation.

### The policies relevant to this decision are:

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: WMP3b (Turning waste into a resource); WMP6 (Safeguarding waste sites); WMP7a (Sustainable locations for waste development); WMP19 (Co-location of complementary facilities); WMP22 (Increased operational capacity within the site boundary of existing waste facilities); WMP23a (Design principles for built and minerals waste facilities); WMP23b (Operation of sites); WMP24a (Climate change); WMP25 (General amenity); WMP26 (Traffic impacts); WMP27 (Environment and environmental enhancement); WMP28a (Flood risk).

East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Policies: SP4 (Physical extensions of existing waste sites); SP6 (Safeguarding waste sites); Map 18 SP-E/B Woodside Depot, A22.

Wealden District Local Plan 1998: Saved policies: EN12 (Trees); EN14 (Landscaping); EN27 (Layout and design of development); EN29 (Light pollution); TR3 (Traffic impact of new development).

Wealden District Core Strategy Local Plan 2013: Policy WCS12 (Biodiversity).

National Planning Policy Framework (NPPF) 2019

The NPPF sets out the Government's planning policies for England and how they should be applied. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Parts 6 (Building a strong, competitive economy), 12 (Achieving well-designed places), 14 (Climate change) and 15 (Conserving and enhancing the natural environment) are relevant in this case.

Development Plan documents which are not considered to be of relevance to this decision are: Hailsham Neighbourhood Plan, Referendum Version, March 2020 (an emerging plan following examination, but still subject to a referendum before adoption). While Section 70 (2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a part examination draft neighbourhood plan, so far as it is material to the application, it is considered that the draft policies within the Hailsham Neighbourhood Plan are not of relevance to this application.

## For Note

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.

Signed: *Sarah Iles*

Sarah Iles

Team Manager Planning Policy & Development Management

Date: 17 December 2020

### **All enquiries should be addressed to:**

Director of Communities Economy and Transport,  
Communities Economy and Transport Department,  
County Hall, St Anne's Crescent,  
Lewes, East Sussex, BN7 1UE.

**IMPORTANT** - Please read notes attached.

Copies to:    Planning Liaison Officer - Environment Agency - for information  
                  Miss C Boddy – Wealden District Council for Statutory Planning Register  
                  Local Land Charges – Wealden District Council

dncmgrac.doc



# **NOTIFICATION AS REQUIRED BY THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010**

## **Appeals to the Secretary of State**

- o If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- o If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.gov.uk.pcs](http://www.planningportal.gov.uk.pcs).
- o The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- o The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- o In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

## **Purchase Notices**

- o If either the local planning authority or the Secretary of State refuses planning permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor can the owner render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- o In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## NOTES

- (1) This permission does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1990, otherwise than under Section 70-76 or which may be required under any other Acts, including any Byelaws, Orders or Regulations made under such other Acts: e.g. Building Regulations approval may be required from the relevant District/Borough Council for the construction of a building granted planning permission by East Sussex County Council.
- (2) Developers are reminded that the grant of this permission does not permit the obstruction of a right of way and that, if it is necessary to stop up or divert a public right of way to enable the development to be carried out, they should apply without delay:-
  - (a) in the case of a footpath or bridleway, to the County Council for an order under Section 257 of the Town and Country Planning Act, 1990;
  - (b) in any other case to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act, 1990.
- (3) The applicant is recommended to retain this form with the title deeds of the property.
- (4) The grant of planning permission under Section 73 of the Town & Country Planning Act does not prevent the implementation of the previous planning permission, subject to the previous conditions.

### **IMPORTANT**

Any failure to adhere to the details of the plans hereby approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act, 1990, in respect of which enforcement action may be taken.

If it is desired to depart in any way from the approved proposals, you should consult the Planning Policy & Development Management Team, Communities Economy and Transport Department, County Hall, St Anne's Crescent, Lewes, East Sussex BN7 1UE before carrying out the development.