

Agenda Item 7

**Further 2nd Supplementary report to the Planning Applications
Committee
on 6th December 2023**

Agenda Item 9 - LW/23/0583 - Land North of The Old Brickworks, Station Road, Plumpton Green, East Sussex, BN7 3DF (Pages 17 - 36)

ESCC Highways have now written to say that the proposal is now acceptable subject to revised mitigation measures and conditions. Please see APPENDIX 1 below.

Highways request the addition of conditions on:

- Vehicle Access
- Road Safety Audit
- Construction Traffic Management
- Bus Stop Accessibility and
- Informative about s106 and s278 agreements

Agenda Item 10 - Planning Appeal Decisions and Analysis (Pages 37 - 46)

Summary Power Point presentation will be provided.

APPENDIX 1 LW/23/0583 Land North of The Old Brickworks, Plumpton Green

FROM: ESCC Highways

**TO: Head of Planning
Planning & Environmental Services Department
Lewes District Council
Southover House
Southover Road, Lewes
BN7 1AB**

**FAO: James Emery
Date: 6th December 2023
Our Ref: LW/23/0583/MAO**

District/Borough Ref: LW/23/0583

Applicant: Mr B Ellis

**Location: Land North Of The Old Brickworks Station Road
Plumpton Green East Sussex BN7 3DF**

Development: Development of land to provide mixed use leisure and commercial park, including new commercial units, office hub, craft workshops and a wellness/fitness centre

Road Name or Number	C110	Consultation Date	6 October 2023
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National Grid Reference	536385 117960	Contact Officer Details:	Teresa Ford01273 482283Teresa.ford@ea stsussex.gov.uk
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Recommendation:

No objection		Objection	
No objection subject to the imposition of conditions	x	Objection due to insufficient information	

FURTHER UPDATED COMMENTS

These additional comments are issued following a further Technical Note dated 30th November 2023 received direct from the applicant and a Teams meeting between the Highway Authority and the applicant/agent on the 5th December 2023. As a result of the meeting a subsequent “Updated Highway Note” dated 5th December 2023 was received direct from the applicant on 5th December 2023.

This development is likely to generate a significant amount of vehicular and pedestrian/cycle activity.

The lack of footway connections on the surrounding roads, in particular to Plumpton village and railway station, and insufficient bus services pass the site is still of a concern in terms of highway safety and end user choice of travel mode.

Both the highway authority and the applicant acknowledge that a footway along the length of Station Road to connect the site to Plumpton Village amenities and the railway station, although desirable is not reasonably deliverable by the applicants due to cost and land availability issues.

Whilst concerns in terms of the location and resulting transportation impacts remain, following this Authority’s discussions with the applicant on 5th December 2023 the proposal can be supported subject to a package of mitigation measures outlined below. This is due to the unique proposals offered, the acknowledgement of trip distance reductions through the provision of some local services and also the bespoke initiatives to be included in the Travel Plan.

This proposal is therefore now acceptable to this Authority and revised mitigation measures and conditions are set out at the end of this report.

In addition the applicant has agreed to accessibility measures and I quote:-

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Measure	Applicant Action
Encourage Pedestrian Movements	Reinforce travel hierarchy and promote Travel Plan
Encourage Cycle Movements	Reinforce travel hierarchy, Cycle Hub and provide cycle isochrones
Encourage Travel by Bus	Liaise with CLTA, Flexibus and local operators (Taxi/bus) and ESCC if required to discuss dedicated service, estimate loadings. Develop costs further
Define Catchment by Bus	Set out potential locations to be served
Promote Travel by non-car modes	Prepare Travel Plan to be agreed with ESCC
Potentially Enhance Bus Stop	Stop on demand service at present, sum to be used for Bus Stop works and/or demand responsive Service and/or enhanced stop on demand service

The Measures to improve Accessibility as stated above are to be delivered by applicant and agreed prior to reserved matters application and which would need to be included within the Travel Plan.

Mitigation measures/requirements to be secured through S106 Agreement at this stage:-

- Travel Plan, to be **extremely** robust to ensure non car modes of transport are adequately provided for. In order to encourage non car modes and which is imperative to ensure a Travel Plan for the site could be satisfactorily achieved the applicant will need to ensure the site is serviced by a robust bus service [whether private and/or public] to a minimum value of £250,000.
- Travel Plan Audit Fee [£6,000]

Conditions

1. **Vehicular Access**: No development shall commence until details of the vehicular access arrangement serving the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not be occupied until the access arrangement is fully constructed.

2. **Safety Audit**: The development shall not commence until plans and details incorporating the recommendations given in a Stage 1 Road Safety Audit and

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accepted in any Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety

3. **(Exists at Nos 23 in Report)**: Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

4. **Construction Traffic Management**: Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

5. **(Exists at No 4 in Report)**: 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 Local Planning Authority. 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 and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- 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 construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation 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 interests of highway safety and the amenities of the area.

6. **Bus Stop Accessibility**: No part of the development shall commence until details of the accessibility connection between the site, and Bus stops [known as The Plough stops] on Station Road (C110), which should include; a suitable

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crossing point between the bus stops; and improvements to bus stops in the form of high rise kerbs and/or hardstanding and/or flagpoles and; access to the site for cyclists have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority and be constructed prior to occupation of the development

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

Informatives

This Authority's requirements associated with this development proposal will need to be secured through a Section 106 and s278] Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

On behalf of the Highway Authority
For Director of Communities, Economy and Transport
(Sent by email)

Previous Comments dated 29th November 2023

Executive Summary

This HT401 is issued in response to the original submitted documents and the additional Technical Note dated 17th November 2023 received direct from the Transport Agent on 23rd November 2023.

The applicant has attempted to demonstrate the trip generation using the proposed access point onto the C110 [Station Road]. The eventual end user/s are unknown and the trip generation figures are only indicative at this stage, however, it is acknowledged that due to the land within the applicant's control it may be possible to improve the access to accommodate the type and number of vehicles involved.

Whilst no Road Safety Audit has been carried out on the indicative proposed access arrangement the issues raised are not considered insurmountable subject to issues being addressed at reserved matters stage.

The site is not in an accessible location due to there being no connecting public footway to the nearest bus stops or to the village amenities and railway station in Plumpton. Furthermore, the bus services pass the site are infrequent being only approximately every 2 hours with no evening or Sunday service. Thus the development at this site would be car dependent.

Therefore as submitted the proposal attracts a highway objection due to the inaccessibility of the site.

However, if your Committee is minded to approve the application I have provided suggested conditions and mitigation measures at the end of this report.

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It should also be noted that the following points would need to be addressed/provided at reserved matters stage:-

- Full Trip generation for the end user proposed for all proposed uses
- Access details to be provided and agreed which are likely to require improved junction layout and footways around the bellmouth.
- RSA Stage 1 on proposed access arrangements together with appropriate Designers Response as necessary.
- Satisfactory on-site parking in accordance with ESCC's parking guidelines
- Satisfactory on-site turning area/s for all size vehicles likely to visit the site including LGV's.
- No vehicular through route between St Helena Lane and Station Road.
- Details of highway improvements to provide site sustainability to include a new footway along the whole of the site frontage on Station Road [C110] to enable pedestrians to reach the two existing bus stops [north and south bound] known as The Plough stops and continuing south to provide pedestrian links to Plumpton village. Suitable uncontrolled crossing points on the C110 and improvements to the existing north and south bound bus stops (known as The Plough bus stops).

It should be stressed that the access details and trip generation figures (and site layout) submitted with this OUTLINE application are INDICATIVE only with all these above details to be provided and agreed at reserved matters stage.

Response

The main elements of this **OUTLINE** application are redevelopment to provide:-

- A total of 4790sqm new build to include 11 Commercial B2/B8 units and 8 studio units; a wellness centre; café/restaurant; office hub; cycle hub providing cycle hire, retail sales and maintenance of cycles;
- Indicative existing Access onto Station Road [C110]
- Indicative New Emergency Access [combined with pedestrian access] onto Station Road [C110].

This application is for **OUTLINE** purposes only with ALL matters reserved, including the vehicular access. Although the submitted plans still do not state “**for indicative purposes only**” the planning application form clearly states this is an Outline application with **ALL** matters reserved. I also understand that the applicant has also confirmed this with the planning officer following a meeting on 16th November 2023.

Paragraph 1.5 of the Transport Statement states that the Applicant has been in high level pre-application discussions with ESCC. However, no such pre-application has been received and no discussions have taken place with the applicant.

At detail stage the applicant would need to satisfy the Highway Authority that a satisfactory access could be provided along with sufficient on site car parking and turning provision and accessibility routes for all non car modes of transport.

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However, the Highway Authority has concerns over the illustrative access proposals and vehicle tracking potential for large vehicles particularly using the access. It would be preferable for this to be addressed at this stage to ensure this can be adequately provided.

Whilst proposals include a community use and separate access from Helena Lane these are not within the red site area and therefore not part of this OUTLINE application. I assume this would be subject to a separate planning application and as such I have not taken this aspect into account.

The following issues need to be fully addressed so that the full impact of the proposal can be fully assessed by the Highway Authority:-

1. Site and Location

The site is situated on the western side of the C110 (Station Road). The site access is approximately 160m to the nearest bus stops to the north and 1.4 kilometres to the shop and facilities in Plumpton Village to the south. The railway station being a further 0.4 kilometres (total 1.8 kilometres) to the south.

There is a 7.5 ton weight restriction [except for access] on the C110 along its whole length through Plumpton village from the B2116 in the south to the C6 (South Road) to the north of the site.

2. Access/Visibility

The proposals indicate that the development would be served by an existing vehicular access onto the C110 [Station Road] with a secondary emergency access/pedestrian route approximately 100m to the north at the point of an existing field access and Public Footpath Plumpton 7. The public footpath extends mainly across the blue site area between Station Road and Helena Lane. There is also an existing field access onto Helena Lane which is within the blue site area. Both the access onto Helena Lane and the secondary access onto Station Road are not constructed to recommended standards and consist of grass construction only.

A Stage 1 Road Safety Audit [RSA] has not been carried out and/or submitted on the proposed illustrative access arrangement. A RSA [along with any Designers and Auditors Responses as necessary] is required where such an access is proposed and should be submitted with the planning application, in accordance with ESCC's guidelines. I have attached the link below to this guidance which should be drawn to the applicants' attention.

<https://www.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/tdc-planning-apps/>

The proposed access lies within a 60mph which in accordance with Design Manual for Roads and Bridges requires visibility splays of 2.4m x 215 metres in each direction. However, splays of 2.4m x 120m has been previously agreed at this access point as a result of previous speed survey data. Thus the appropriate acceptable distance in this instance is 120m in both directions. It should be noted that the splay to the south is affected slightly by the adjacent hedge [on 3rd party land] which has grown out slightly over the highway which would need addressing by the applicant at reserved matters stage.

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The applicant has provided plans showing the proposed (existing) access onto the C110 (Station Road) together with tracked drawing for HGV's. These details are for indicative purposes only and any access arrangement would necessitate a Road Safety Audit to be carried out [as mentioned above] and submitted with any access proposal at Reserved Matters stage. The illustrative plan No.T752-02 submitted within the Technical Note dated 17th November indicates that a large vehicle of 16.5m in length would have difficulty turning into and out of the access without using the whole of the carriageway and encroaches onto the highway grass verges. Furthermore, the access layout is not sufficient to cater for an articulated vehicle to pass another vehicle which means that a vehicle would have to wait on the carriageway of the C110 whilst a vehicle exits the site which is not acceptable.

It is not clear why an emergency access is to be provided – if the layout is permeable throughout the site then this should not be required. However, the access details are to be dealt with at reserved matters stage.

3. Accessibility

The proposed development would give rise to needs for improvement to the local highway network to accommodate the additional demands the use of the site will place on existing facilities.

The site is not in an accessible location due to there being no connecting public footway to the village amenities in Plumpton, which include a shop and railway station. Whilst bus stops [north and south bound] are within 400m of the site there are no public footway connections to them on Station Road (C110). Furthermore, the bus services pass the site are infrequent being only approximately every 2 hours. Thus the development at this site would be dependent on the private motor car for most trips by both employees and customers/visitors.

Bus services - The development is located adjacent to relatively infrequent bus services:

- Bus route 166 links Haywards Heath, Wivelsfield Green, Plumpton Green and Lewes on a 2 hourly frequency Monday to Saturday daytime, funded by ESCC. The Saturday service provision on bus route 166 was introduced from July 2023 with funding from UK Government funding in support of the East Sussex Bus Service Improvement Plan (BSIP). However, this BSIP funding is only until the end of March 2026.
- Bus routes 167 and 168 also pass the site and provide a few additional journeys on weekdays. Route 167 offers a round trip at peak times between Lewes, Plumpton Green, Wivelsfield and Burgess Hill, plus two off-peak journeys on Tuesdays and Thursdays. Route 168 offers one off-peak return journey between Plumpton Green, Wivelsfield Green and Burgess Hill. Again both routes 167 and 168 are funded by ESCC.

In order to ensure occupiers/visitors to the site can use alternative non car modes of transport and to enable the required travel plan to meet its likely targets it is imperative that the daily service is improved to provide a sustainable regular bus

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service pass this site and to maintain the Saturday 166 service after March 2026. Thus the following bus service contributions are required:-

- A contribution of £525,000 (£105,000 pa. for 5 years) to enable the 166 service to become hourly, Monday to Friday daytime
- A contribution of £120,000 (£24,000 pa. for 5 years (£120,000 in total) is sought to sustain the Saturday service on route 166 from April 2026.

Bus stops - There are significant improvements required to the bus stops near the development, to ensure accessibility and to encourage bus use.

- The northbound Station Road bus stop (known as 'The Plough') will require raised kerbing, bus stop clearway, hard standing, a new bus stop pole and a new accessible bus shelter. The illustrative Master Plan appears to show the existing bus layby as being removed, however, this would need to remain as part of the highway re-design.
- The southbound Station Road bus stop is currently an unmarked arrangement. This would need addressing by provision of new hard standing, raised kerb and bus stop post.
- Additionally, an uncontrolled crossing point [drop kerbs] would need to be provided to enable pedestrians to reach both bus stops.

The site travel plan will need to be enhanced to try and maximise access by bus. This to include at least one months free bus travel for all employees, followed by 3 months discounted travel. Bus travel options should be reinforced by the travel plan undertaking to provide real time bus information (accessed through web pages) on strategically placed monitors in the site. Incentives for visitors/users to use non car modes of transport would also need to feature highly in a Travel Plan. The increase in bus services would also give residents of Plumpton village, in particular, the option to travel by bus instead of walking in the carriageway of the public highway.

4. Trip Generation

The Transport Statement (TS) has stated the trip generation figures for the extant permission for recuperation of racehorses which is deemed to generate an average of 11 vehicular trips a day.

The TS provides information regarding vehicular trips using the Trip Related Information Computer System (TRICS) database.

The applicant has attempted to determine the number of vehicular trip rates for the proposed use with trips associated with a Business Industrial Estate and separately for the wellness hub, offices and café. However, some of the sites used are not comparable and no information is given for the proposed cycle hub. Although this analysis gives an idea of the likely traffic to be generated given the end user/uses is not known at this stage the trip rates currently given for the proposed use/s are theoretical and not acceptable.

Furthermore, paragraph 8.23 of the TS states; "*The background traffic recorded is extremely low.*" However, no information on existing traffic flows is given.

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The trip generation would need to be agreed at reserved matters stage to ensure the design of the access arrangements are acceptable and appropriate for the volume of traffic generated by this new development.

5. Internal Layout/Parking/turning on site

Car and cycle parking can be dealt with at Reserved Matters stage and would need to be in accordance with ESCC's current parking guidelines for all the proposed different elements. Adequate on site turning would also be required with appropriate vehicle tracking provided. It is noted that the "illustrative" layout indicates footways alongside both sides of the internal road layout, however, these stop abruptly at the bellmouth of the access point. This aspect would need addressing. The applicant's attention is also drawn to the facilitation of cycles/pedestrians to be considered within the layout in accordance with the guidance given by LTN 1/20 and advice by Active Travel England.

6. Highway Mitigation Works

The off site highway works [including:- access arrangement; footways; crossing points and bus stop improvement works etc] would normally be secured through a legal agreement (Section 106), however, as this application is for all matters to be dealt with at reserved matters stage and thus all details are yet to be agreed these should be secured by condition at this stage. At reserved Matters stage the off site highway works would require the applicant entering into a s278 Agreement with the Highway Authority.

7. Travel Plan

A Travel Plan will be required for this development, for the whole site, also to be secured by legal agreement (S106). The legal agreement will need to secure the following:

- The agreement of a "measures" approach which; a) specifies targets / outcomes; and, b) identifies specific measures designed to achieve the agreed targets / outcomes and c) identifies the remedies and/or sanctions that shall be applied if the targets / outcomes are not achieved.
- The appointment of a Travel Plan Coordinator to coordinate implementation of the TP and take responsibility for achieving targets including handover arrangements from the developer to a management or residents' group.
- The completion of the appropriate monitoring reports, including multi-modal travel surveys to be carried out for five years following occupation/operation of the Development based on the standard survey requirement in East Sussex, i.e. a Level 2 TRICS survey (known in this context as SAM: Standard Assessment Methodology).
- The payment of a Travel Plan Audit fee of £6000 (Six thousand pounds).

Reasons

1. The proposed development is poorly placed in terms of sustainable transport modes due to the lack of non-car travel choices for [residents/users] and would therefore be would therefore be contrary to para 104 and 106 of the National Planning Policy Framework

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2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of [access, visibility splays, off-street parking, road layout, road construction, road gradients, surface water drainage, on site turning facilities] and would therefore give rise to increased hazards to highway users and would be contrary to para 111 of the National Planning Policy Framework

Mitigation measures/requirements to be secured through S106 Agreement at this stage:-

- Travel Plan,
- Travel Plan Audit Fee [£6,000]
- Bus Service Contribution total of £645,000]

Conditions

1. No development shall commence until details of the vehicular access arrangement serving the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not be occupied until the access arrangement is fully constructed.

2. The development shall not commence until plans and details incorporating the recommendations given in a Stage 1 Road Safety Audit and accepted in any Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety

3. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

4. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

5. 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 Local Planning Authority. 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 and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,

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- 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 construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation 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 interests of highway safety and the amenities of the area.

6. No part of the development shall commence until details of the accessibility connection between the site, Plumpton Village and Bus stops [known as The Plough stops] on Station Road (C110), which should include a suitable crossing point and new footways on Station Road (C110), and improvements to bus stops have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority and be constructed prior to occupation of the development

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

Informatives

This Authority's requirements associated with this development proposal will need to be secured through a Section 106 and s278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

On behalf of the Highway Authority
For Director of Communities, Economy and Transport
(Sent by email)

Previous Comments dated 23rd October 2023

Holding Response

This application is for a major development where a Transport Assessment has been submitted and which requires time to check and verify. Other departments within Highways have also been consulted and their views will need to be received to enable a full highway assessment of this application to be made. Please accept this as a holding response. It is estimated that a response will be made in the next 2-4 weeks.