

Supplementary report to the Planning Applications Committee
on 6 October 2021

LW/19/0656
Seaford

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In assessing and making a recommendation on the application officers had due regard to the Seaford Design Guidelines. There are mentioned in the Policy response and have been taken into account in the assessment of the application and its general design, (GP05, GP08, GP11) and specifically Section 3.5 Seaford Seafront SF01 Layout and Grouping, SF02 View, SF03 Buildings architecture and appearance, SF04 Boundary Treatment, SF04 Materials and SF06 Detailing.

These design guidelines were prepared to help inform and influence new development, and to help assess new design proposals.

Corrections to the report –

Page 11 Para 4.1 – line 3 should read recessed fifth **floor** and not storey
Page 11 Para 4.4 – line 3 delete and the access road (to the east) and replace with **to the north onto Steyne Road**.

NOTE – corrected list of plans and associated documents -

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	16 September 2019	(Environment Agency) Product 4 for FRA re 6 Steyne Road
Technical Report	16 September 2019	Combined Geotechnical & Grnd Contamination Risk Assessment, Remediation Strategy & Verification Plan
Design & Access Statement	1 July 2021	Revised
Flood Risk Assessment	16 September 2019	
Justification / Heritage Statement	16 September 2019	
Transport Assessment	16 September 2019	
Other Plan(s)	16 September 2019	SFRA Map extracts (2009)
Technical Report	16 September 2019	SRE Outline Energy Statement

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Planning Statement/Brief	16 September 2019	Statement of Community Involvement
Waste Minimisation Statement	16 September 2019	
Additional Documents	23 December 2019	financial viability appraisal
Additional Documents	23 December 2019	Schedule 1
Illustration	20 November 2020	CGI - 1,2,3
Proposed Section(s)	30 October 2020	P-347-13 Proposed Section AA
Proposed Section(s)	30 October 2020	P-347-14 Proposed Section BB
Location Plan	30 October 2020	P-347-01 Site Location Plan and Existing Block Plan Layout
Proposed Layout Plan	21 June 2021	P-347-02 Rev A Proposed Site Layout Plan
Proposed Floor Plan(s)	30 October 2020	P-347-03 Proposed Ground Floor Plan
Proposed Floor Plan(s)	30 October 2020	P-347-04 Proposed First Floor Plan
Proposed Floor Plan(s)	30 October 2020	P-347-05 Proposed Second Floor Plan
Proposed Floor Plan(s)	30 October 2020	P-347-06 Proposed Third Floor Plan
Proposed Floor Plan(s)	30 October 2020	P-347-07 Proposed Fourth Floor Plan
Proposed Roof Plan	30 October 2020	P-347-08 Proposed Roof Plan
Proposed Elevation(s)	30 October 2020	P-347-09 Proposed Side (West) Elevation
Proposed Elevation(s)	30 October 2020	P-347-10 Proposed Front (North) Elevation
Proposed Elevation(s)	30 October 2020	P-347-11 Proposed Rear (East) Elevation
Proposed Elevation(s)	30 October 2020	P-347-12 Proposed Side (South) Elevation
Additional Documents	8 July 2021	Air Quality Assessment
Proposed Floor Plan(s)	30 October 2020	P-347-03 ground floor
Other Plan(s)	30 October 2020	P-347-13 Section
Other Plan(s)	30 October 2020	P-347-14 Section

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Ringmer

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Clarification has been sought from the developers agent to clarify the amount of imported material and lorry movements. The following has been provided:

1. Total estimated volume of import material under the current scheme without the sludge lagoon: 23,387 m³.
2. Number of lorries required to import the material for the current scheme without the sludge lagoon: 23,387 m³ in 10 m³ loads = approx. 2,300 loads (When measured as a solid cube a lorry body is 15 cubic meters. In reality, when loaded, a lorry will carry an average about 10 cubic meters. This takes into account bulking of material when loaded, water content (weight) of material and void space in the body, which varies depending on the source material. As you'd expect, therefore, it is impossible to provide an exact number of lorry loads required, however, from experience, the estimate provided is a good indication. Of course, all loads are strictly monitored, and all in accordance with CL:AIRE protocol and EA requirements).
3. The original scheme had an estimate of 20,750 m³ of material required. The difference of ~2,600 m³ is a result of the fact there is additional landscaping required to grade the development into the existing topography to maintain minimal visual impact and to ensure this area creates a gently profiled slope satisfactory for grazing, mowing, etc. We have been advised on this from by our Chartered Landscape Architect as the best design/scheme to minimise visual intrusion and to assimilate the work into the existing landscape. I understand that without this gentle grading over the site of the previously proposed sludge lagoon, the upgrade works to the existing lagoon would look out of place and wouldn't be well/appropriately landscaped back to the existing datum levels (see 3D graphic attached). (Paras 5.24 & 9.18 of my Planning Statement gives some good examples of my previous schemes where the grading has been shown to provide a maintainable gentle slope which continues to be used for hay/silage crops and for grazing).
4. Duration of lorry movements needed to & from the site: 2,300 loads @ 30 per day average = 75 days @ a 5.5-day week = ~ 14 weeks = approx. 3.5 months.

Officer proposed amendments to conditions which should read as follows (amendments in bold):

Condition 3 - The development hereby approved shall not be commenced until a planting scheme for the landscaped area has been submitted to and approved in writing by the Local Planning Authority. These details shall include:

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- a) written specifications (including cultivation and other operations associated with plant and grass establishment.
- b) schedules of plants noting species, planting sizes and proposed numbers/densities where appropriate.

The planting scheme shall be implemented during the first planting season following the substantial completion of the development hereby approved **and thereafter maintained with any planting that dies being replaced within the next available planting season.**

Condition 4 - The development hereby approved shall not be commenced until details of a scheme of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority, in accordance with the Preliminary Ecological Appraisal Report produced by Corylus Ecology **and shall be implemented before the completion of the works and maintained for the duration of the use of the development.**

Condition 8 - **No deliveries to site shall be undertaken until signs, located at either end of the access road, warning of the Danger to pedestrians using the road and limiting the speed to 5mph have been erected and the signs shall remain in place for the duration of the works,** and the deliveries shall be limited to 40 maximum inbound movements per day, with an expected daily average of between 25 and 30. Deliveries will only take place between the hours of 08:00 and 18:00 Monday to Friday and 8:00 and 13:00 on Sat. No deliveries will be made to site on Sundays or bank holidays.

Further representation has been received raising the following points:

Condition 2: repairs to the access road

The stipulation that temporary repairs be completed after completion is perverse. The track needs to be put in repair in order for the works to proceed. The temporary repairs ought to be required to be done before commencement of works. The permanent repairs within 3 months of completion seems reasonable. There is also a related issue between Mr Farnes and Raystede concerning the blocking up of Raystede's access on to the farm track, which they may want addressed. You should visit the site so this can be better understood.

Condition 4: biodiversity

Thank you for picking up on the matters Corylus raises. However if you read the report it recommends firstly that further protected species surveys are conducted which may then secondly inform what enhancements are appropriate. Before a scheme may be submitted to the Planning Authority for approval the conditions should stipulate that the species surveys are conducted by Corylus or other suitable experts.

Condition 7: construction noise

In view of the noise sensitive nature of adjacent sites (including the various families who sharing use of track and tourism holiday cottage which brings revenue to the district) hours of operation should be narrowed to between 9am and 4pm Monday to Friday only (excluding bank holidays) and not allow

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Saturdays at all. Bear in mind the decision in planning appeal APP/G1440/C/17/3185589 which is a relevant and binding legal precedent for this site.

Condition 8: Deliveries

These are the most disturbing aspects of the construction affecting villages and traffic both ends of the Broyle and should not be permitted beyond the hours of operation on site i.e. until 1600 or 1630 at most, certainly not 1800 and none on Saturdays.

40 lorries per day (i.e. 80 movements) is excessive for this site. Note the decision in APP/G1440/C/17/3185589 determined (a very relevant precedent for the site) that 20 to 30 lorries per week was unreasonable for this site. Please consider proposing a lower limit consistent with the Secretary or State's decision.

Timing and timescale for the works

Considering how long the works at East Sussex Glider Club opposite have taken, it is critical that a defined timescale is made a condition. 3-month period is reasonable but the works and in particular HGV movements should be confined within a defined time period. Considering the amenity of footpath and countryside, tourism, visitors to Upper Lodge Holiday cottage and subject to protected species surveys e.g. for sensitive nesting season, we ask that a condition be enforced so that works take place in the winter months. If starting this year they should be completed by 1st March 2022. In case the need for extra reports and biodiversity scheme etc works are to be done between November 2022 and February 2023.

Other conditions:

I have proposed an alternative temporary access for the works (see section 2 A-F of 1st July letter):

There is already a made-up road serving the motor cross track with an entrance on the Broyle. Redirecting construction traffic via this track would be much better and avoid the aggravation of using the footpath and HGVs coming past Upper Lodge Cottages (Mr & Mrs Daniels).

It is of critical importance to us and the neighbourhood, that in future that after building the new lagoon the farmer does not revert to taking in third party waste sludge as it does at present, and changing use of the lagoon to a purpose other than storage of farm slurry and manure generated at Upper Lodge. Please can you add a suggested condition to ensure the lagoon and slurry store are ONLY used for slurry and manure generated from the farming activities at Upper Lodge itself, and MAY NOT be used for imported materials. The report is predicated on the premise that future tanker movements will be obviated, so it is only fair and reasonable that such condition is put in place.

Further representations received:

2.1: NFFP para 8 (c) sets out as one of three "overarching objectives" of sustainable environmental objectives as:

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"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

This is of relevance to the fact 2300 HGV movements are required for this particular design but completely unnecessary to meet the agricultural needs of the farm operation, as this could be better achieved with a more sustainably design that excavates and utilises the abundant clay materials on site as recommend by farming experts Reading Agricultural Consultants.

I understand the comment in para 8.6.5 that the application has to be considered on its planning merits only, but the fact that this design aspect is paid for by PJBrown and will facilitate disposal of waste material that is less expensive for them than landfill, explains why it is designed this way. While not material to the planning decision merits, it is background information that should not necessarily be withheld from the council, and equally the fact that a third party is effectively funding the development which is helpful to the farmer to achieve improvements is not planning reason to permit what is fundamentally a bad unsustainable design. Moreover, the fact of PJ Brown is not merely "conjecture" but established on the face of two of the applicant's report naming them as client (LVIA & Corylus).

Para 8.6.4 reasons that the "requirement" to comply with legislation is a reason to support the scheme, but such conclusion is flawed and in conflict with the reference in para 6.2. that the EA's explained SSAFO standards do not actually require upgrade (as opposed to merely be advisable). The need to upgrade the lagoon is therefore not a trump card make the case compelling, but is simply a factor to weigh up in the balance, together with the point above that a more sustainable design is possible without the need for all the HGV movements.

Para 4.4 states the volume of 23,387m³ of material is required to facilitate repair: however none of this material is in fact required if consideration were given to an alternative design as outlined by RAC which would accord with best farming practice and be more sustainable hence in line with planning policy.

Para 5.9 refers to the previous appeal against ESCC enforcement notice, but the officer's appraisal fails to take this into consideration in the reasoning.

The council's agricultural advisor report summarized in para 6.5.6 admits the importation will cause disturbance, but omits to say anything about the increased carbon emissions caused by HGV loads. 6.6.6 concludes the replacement and repair is "Essential for the agricultural business" (again in conflict with the EA's comment referenced in 6.2) but the expert does not comment as to how repair is best effected. Therefore the only planning expert's opinion before you as to what is best practice to meet the

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agricultural needs is in the RAC report which the appraisal fails to take into consideration.

6.6.14 notes that despite removal of the sludge lagoon the landscaping proposal has not changed, but omits to note the volume of material imported has actually increased. One might have expected that reducing the scheme to omit the second lagoon would have led to a reduction, but of course with PJBrown's consultants controlling the design they have not reduced but increased the volume.

8.4.2 stating the omission of second lagoon will lead to a reduction of lorry movements. This statement is not logical, as at present the deliveries of water sludge continues to be permitted by the EA under licence despite there being no second lagoon. There is no basis to consider that the continued state of affairs will result in cessation of water sludge deliveries the farm. This comment is flawed, unless it were to be followed up with a planning condition making it a requirement that no further water sludge is taken in by the farm, which condition we would obviously support were the application allowed.

8.4.7 states there is 1.8m space for footpath users along the access. This is not factually correct – most of the access road before the branch is between 3-4m only. Pictures have been sent and it would be seriously dangerous and unpleasant for any pedestrian to be next to HGVs necessitated by this design coming up and down at the rate of 60-80 per day – on average this is one every six minutes. In practice the intervals will probably not be evenly spread, so one can expect intermittent convoys of HGVs passing on a completely unsuitable track for pedestrians to share.

8.6.3 referring to the appeal allowed about the glider club where costs were awarded against the council. It is explained (on page 3 of the decision) that costs were awarded because the council made general assertions without any objective analysis as to traffic flow and background noise. The community has now lived with glider club works and the associated noxious traffic / noise are a matter of record prompting many complaints and action group in Ringmer. Perhaps if the council been better prepared with its analyses then costs would not have awarded against it.

Further neighbour consultation response received 4 October 2021:

I object to the proposed amended application due to lack of information, pollution due to excessive importation of material. I have the following comments on the revised scheme report:

3.1. The site is described as a 100-acre farm but the application site is only a part of the farm (approx. 5 acres). This should be clarified to avoid misleading the committee.

4.4 There is no justification provided for the importation of 23,387 cu m of material. A simple calculation suggests that as the application site is 21,840 sq m this represents the importation of an average of 1 over 1m across the whole site. As the intention is to increase the capacity of the FYM store and

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slurry lagoon presumably these are not being infilled with external material and the design and access statement claims the site will be tapered to the edges of the application site, suggesting that this will result in land raise of over 1m. if the imported material is spread over a larger area (e.g. the 100 acre farm site not the 5 acre application site) then the application should be withdrawn and re-submitted with correct curtilage to avoid confusion or misleading the committee.

There is no explanation why such a large quantity of new material is required rather than the excavation and relocation of existing material on site which would avoid the transport of such a large quantity of material. For example, 23387 cu m of material could be found by lowering the whole farm site an average 6 cm. There is no explanation why on-site materials cannot be used although this would be the most sustainable option.

6.6.13 It is claimed the new facilities are essential for the activity to continue successfully but the EA has pointed out that the existing facilities are not subject to current requirements. Therefore, the upgrade should be considered desirable but not essential and full compliance with current standards and guidance should be a condition of the development and a justification of the additional pollution and carbon emissions of importation of a significant amount of unspecified material has not been justified.

6.6.14 The agricultural advisor states that the quantity of imported material is a planning matter and questions the amount required in a reference to soil but there is no undertaking to restrict the material to soil and if permission is granted the materials imported should be fully controlled by condition.

8.2.1. The EA has not confirmed that the works are necessary and such a statement could mislead or misinform the planning committee. As reported in 6.2.8 the EA simply comments that the existing facility is not required to meet these regulations.

8.2.2. See comment to 6.6.13 above.

8.8.4 The application is for 2,300 lorry loads (4,600 movements) not 60-80. In fact at the proposed 25-30 average movements the importation would have to be continuous and given the current conditions (Covid recovery, shortage of HGV drivers, construction works delays) – as also experienced nearby at the gliding club land raise – it is likely that the importation of this much material would take considerably longer than claimed.

8.4.5 The CEMP claims that noise producing works would stop at 16:30 weekdays but that lorry deliveries, which are noise producing, would continue till 18:00.

8.6.3 At Appeal the Inspector stated that the works could be reasonably be expected to be completed in the proposed timescale but it is apparent that this expectation has not been achieved due to the effects of Covid-19 on the

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construction industry. Therefore, the historic Inspector opinion should not be taken at face value and without regard to current conditions.

8.6.5 The quantity of material was raised by the Agricultural Advisor at 6.6.14 and considered a planning matter but here it is considered speculation and not a planning matter. How can this be correct? If the development will increase the capacity of the FYM store and lagoon and import an average of 1m height of materials, the land will raise and this is not speculation. Also the type of materials imported should be a planning matter – especially as the site is reported as currently being used to store bales of waste – and should be controlled by condition to ensure sustainable development.

I believe the application as presented should be requested but if the committee is minded to grant permission I have the following comments on the conditions suggested in the report:

Proposed condition 3. The condition should require the planting scheme to be maintained otherwise it cannot be enforced if it isn't implemented in the first planting season.

Proposed condition 4. The biodiversity scheme should be required to be installed and maintained, not simply approved on paper.

Proposed condition 5. Why “broad accordance” not “strict adherence “ as condition 6.

Proposed condition 8. Conflicts with Proposed Condition 7. No time limit for the period of deliveries (claimed 3 months) is included.

Proposed Condition 9. Should be re-worded to prohibit importation of material until the proposals have been approved by the LPA not simply submitted. Additional comment. No requirement has been made for the removal of current waste.

EH requested information regarding maintenance of lagoon. The agent's response:

‘Answers are all within the submitted SuDS report.

In terms of the removal of silt, this would be done every 10 years with a 13-tonne digger into a sealed trailer in the summer and then spread onto crop stubble and ploughed in at the end of the summer. ‘