



## PEACEHAVEN TOWN COUNCIL

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### Minutes of the Planning & Highways Committee – Tuesday 5<sup>th</sup> April 2022

DRAFT Minutes of the meeting of the Planning & Highways Committee held in the Anzac Room, Community House, at 7.30pm on Tuesday 5<sup>th</sup> April 2022

**Present;** Cllr A Milliner (Chair), Cllr D Seabrook, Cllr C Gallagher, Cllr L Duhigg,

**Officers;** Kevin Kingston, Locum Clerk; Sue Moscatelli, Events, Amenities & Projects Officer; Victoria Onis, Admin & Support

**Public;** Mike Gatti

#### **1 PH1305 CHAIR ANNOUNCEMENTS**

There were no Chairs announcements

#### **2. PH1306 PUBLIC QUESTIONS**

Mike Gatti asked the following question with regard to the infiltration pond at Chalkers Rise development:

Would it be possible for PTC to ask LDC Planning if any risk assessment was carried out with regards to the infiltration pond and its potential hazards ?. If so could this be made available? And could this issue please be discussed at the next meeting of the Public Safety working group?

The Locum Town Clerk thanked Mr Gatti for his question and informed the meeting that an email has been sent to LDC Planning re this issue. In addition the Locum Town Clerk would ask if the erection and/or maintenance of fence was included in the original Section 106 agreement for the big park.

#### **3. PH1307 TO CONSIDER APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

Apologies were received from Cllrs A Goble, D Paul, I Sharkey, G Hill, J Harris and were noted.

Cllr L Duhigg substituted for Cllr J Harris and Cllr C Gallagher substituted for Cllr R White.

#### **2 PH1308 TO RECEIVE DECLARATIONS OF INTEREST FROM COMMITTEE MEMBERS**

There were no declarations of interest.

#### **3 PH1309 TO ADOPT THE MINUTES FROM THE 8<sup>TH</sup> MARCH 2022**

It was resolved that the minutes of the meeting of 8 March should be agreed and adopted.

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It was pointed out by the Chair of the Committee that Councillor Gallagher is no longer the Chair of the steering group for the NDP but that she was still a member of the NDP. All future agendas should be amended to reflect this change.

### **4 PH1310 TO RECEIVE AN UPDATE FROM CLLR GALLAGHER CHAIR OF THE STEERING GROUP FOR THE NDP**

Cllr Cathy Gallagher presented the following report to the Committee :

Since the start of the year Regulation 14 (6 weeks) public consultation on the Draft plan has been taking place between 1 February and 14 April 2022. The collating and recording the results for public view is now being done by the Consultants and then Nancy Astley will complete the re-write. A meeting was held at Telscombe Civic Centre on 31 March and a further Zoom meeting will be held 21 April 2022 and will be open to all Councillors.

Locality which is the Government Agency supporting Neighbourhood Plans have issued an additional grant because of Covid. This comes on top of the Welcome Back Fund, The High Street Regeneration Grant was highlighted to the Steering Group by Jim Boot, whose role as Project Manager is to look out for such opportunities. Several Members of the Steering Group and Jim Boot attended Zoom meetings with a Planner from Locality. Information and support was made available to Peacehaven but we were in competition with many other areas.

The area chosen was the South Coast Road from Sutton Ave /Dell along to at least Piddinghoe Ave the same stretch of road as highlighted by the welcome back fund.

In the last few days Peacehaven and Telscombe Neighbourhood Plan has learnt that the application has been successful.

This is a pilot project by Locality to demonstrate to landowners, developers and local residents that the potential of good design to transform an area, create visual and actual links between different areas and establish design principles that could be utilised across a wider area. 10 Landscape Architects were approached and invited to submit their brief for which two responded. Both the respondents are known to the council(s) and the area and have previously been involved in the design of the award winning Gateway Café at Centenary Park and the Memory Garden at Chatsworth Park,

The Steering Group Terms of Reference has authority to apply for grants such as this and if cash is received it needs to be ring fenced for the project in the Council budget. Tony Allen the Town Clerk is already the authorized link with Locality and Groundworks as NDP have received grants from them before.

Peacehaven and Telscombe Neighbourhood Plan need to confirm they wish to accept the grant by 12/4/22 The Steering Group which included the 2 Town Clerks and 3 Town Councillors want to accept as the study will be a technical document which will carry planning weight.

Do you support the Steering Group in application for this grant and study.?

Cllrs Griffiths, Duhigg and Seabrook informed the meeting that the Councils financial standing orders does not allow this Committee to accept the grant as any grant is held by the Policy & Finance Committee who should approve the acceptance of the grant.

The Locum Town Clerk supported this view and suggested that the non-acceptance of the grant would be missed opportunity. The Locum Town Clerk offered two options to resolve the position.

Firstly, the Town Clerk could contact the Members of Policy & Finance Committee to requested their approval to accept the grant which would then be endorsed at the next Policy & Finance Committee, secondly the Town

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The committee decided to object to this application siting (1) out of keeping with street scene and (2) the illuminated sign is very bright and situated in a residential street causing significant light pollution to adjoining residential properties.

### **11. To note the following planning applications**

The following applications were noted :

PH1319 TW/22/0015/TPO – 1 Woodlands Close, Peacehaven

PH1320 LW/0980/CD – The Sussex Coaster, 80-82 South Coast Road, Peacehaven

PH1321 LW/22/0064 – 9 Searle Avenue, Peacehaven

### **12. To note the following planning application decisions**

The following application decision were noted

PH1322 LW/21/0803 - 1 Bramber Avenue, Peacehaven

PH1323 LW/21/0804 - Bramber Nursing Home, 1 Bramber Avenue, Peacehaven

### **13. PH1324 to review and update the P&H action plan and agree actions required**

No update was agreed at this meeting

**TO CONFIRM THE DATE OF NEXT MEETING AS 3<sup>RD</sup> MAY 2022**

*There being no further business, the meeting closed at 8.35pm*

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Clerk could inform Locality that the acceptance has to be approved at next Policy & Finance Committee and ask Locality if the deadline could be extended until the Policy & Finance Committee. The Locum Town Clerk would contact the Town Clerk to discuss the issue on 6 April.

### **5 PH1311 TO NOTE AND REVIEW THE COMMITTEES BUDGETARY REPORT**

The budgetary report for the Committee was noted and agreed.

### **6 PH1312 TO RECEIVE NOTES FROM THE PUBLIC SAFETY WORKING PARTY AND TO ACCEPT RECOMMENDATIONS CONTAINED WITHIN**

The notes from the Public Safety working party meeting that was held on Tuesday 29 March were accepted, supported and agreed by the Committee.

### **7 P1313 Response from Leigh Palmer regarding Barrett's infiltration basin.**

The Locum Clerk informed the meeting that an email has been sent to Lewes District Council re the above but to date no response has been received from Leigh Palmer.

The Locum Town Council stated that he would chase Leigh Palmer for a response and would also ask whether the section 106 agreement that was agreed at the time of the construction of the big park included the requirement for a fence to be constructed around the pond for safety reasons. If this was the case than the developer should be asked to carry out the work and construct a fence.

It was agreed that the issue would be discussed at the next meeting of the Public Safety working group on 12 April 2022.

### **10. To comment of the following Planning Applications**

#### **PH1312 LW/22/0141 – 34, Gladys Avenue, Peacehaven.**

There were no objections to this application.

#### **PH1313 LW/22/0140 – 60, The Promenade, Peacehaven.**

There were no objections to this application.

#### **PH1314 LW/21/0888 – 22, Glynn Road, Peacehaven.**

There were no objections to this application.

#### **PH1315 LW/22/0154 – 1A Sunview Avenue, Peacehaven.**

The committee was split on this one but voted 3:2 (with Chairs casting vote) to object to the application siting (1) out of keeping with street scene and (2) lack of privacy to adjacent properties.

#### **PH1316 LW/22/0185 – 1A Sunview Avenue, Peacehaven.**

The committee decided to object to this application siting (1) out of keeping with street scene and (2) deeds of adjoining property permit development with approval from adjoining property.

#### **PH1317 LW/21/0846 – 53 Steyning Avenue , Peacehaven.**

The committee objected to this application siting over-development of site.

#### **PH1318 LW/21/0969 – East Brighton Masonic Centre, 16 Seaview Road, Peacehaven**

## Detailed Income &amp; Expenditure by Budget Heading 01/04/2022

Month No: 1

## Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>200 Planning &amp; Highways</u>							
4851 Noticeboards	0	650	650		650	0.0%	
4852 Monument & War Memorial	0	600	600		600	0.0%	
4853 Street Furniture	0	600	600		600	0.0%	
Planning & Highways :- Direct Expenditure	<u>0</u>	<u>1,850</u>	<u>1,850</u>	<u>0</u>	<u>1,850</u>	<u>0.0%</u>	<u>0</u>
4101 Repair/Alteration of Premises	0	700	700		700	0.0%	
4111 Electricity	(55)	1,092	1,147		1,147	(5.1%)	
4171 Grounds Maintenance Costs	0	500	500		500	0.0%	
4850 Grass Cutting Contract	8,864	8,864	0		0	100.0%	
Planning & Highways :- Indirect Expenditure	<u>8,809</u>	<u>11,156</u>	<u>2,347</u>	<u>0</u>	<u>2,347</u>	<u>79.0%</u>	<u>0</u>
<b>Net Expenditure</b>	<u>(8,809)</u>	<u>(13,006)</u>	<u>(4,197)</u>				
Grand Totals:- Income	0	0	0			0.0%	
Expenditure	8,809	13,006	4,197	0	4,197	67.7%	
<b>Net Income over Expenditure</b>	<u>(8,809)</u>	<u>(13,006)</u>	<u>(4,197)</u>				
<b>Movement to/(from) Gen Reserve</b>	<u>(8,809)</u>						



<b>Agenda Item:</b>	<b>PH1332</b>
<b>Committee:</b>	<b>Planning &amp; Highways</b>
<b>Date:</b>	<b>2nd May 2022</b>
<b>Title:</b>	<b>Chalker's Rise Infiltration Pond</b>
<b>Report Authors:</b>	<b>Cllr. David Seabrook</b>
<b>Purpose of Report:</b>	<b>To seek professional advice regarding the safety of the infiltration pond at Chalker's Rise</b>

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### **Introduction**

Chalkers Rise is an estate comprising a total of 450 dwellings that is being developed in three phases. Phase 3 is about to commence. A section 106 agreement has been agreed and signed which includes under Schedule 8 a Sustainable Drainage System which will be managed and owned (freehold) in perpetuity by a management company. Maintenance will be paid annually by the purchaser of each dwelling for the management of the SUDS and the outdoor space.

A SuDS management plan has been created and approved by Lewes District Council.

The SUDs features at the Lower Hoddern Farm, Peacehaven development consist of a large infiltration basin situated in the southeast corner of the development. The basin has been designed to receive discharge from all impermeable surfaces including the highways, plot roofs and private driveway areas

### **Background**

The original plans seems to indicate fencing around the infiltration basin. Later drawings do not show this. See drawings below.

Peacehaven Focus Group have held discussions with Leigh Palmer at Lewes District Council. They have now heard back from Leigh Palmer, who has spoken to Barratt Homes. "They do not think a 6 foot fence is necessary and have repeated the offer of a knee rail or estate railing."

Leigh Palmer (LDC Head of Planning) feels that 'We can't push them any further on this' which appears to suggest that as the original drawings were approved by LDC, they don't want to pursue the matter. All the Peacehaven Focus Group is concerned with is the safety aspect of a large unsecured pond, and the possibility of a tragic accident.

A risk assessment of the infiltration pond has not been carried out by Barratt homes as it is not considered necessary,

The original drawings from Barratt Homes that were approved by Lewes District Council indicate that the pond from the ridge to the centre of the pond is 2.34 metres (35.89m – 33.51m) or 7ft 8in. Observation suggests it is significantly more than this. If it deeper than the plans, it would also mean that the gradient is much steeper than the 1:5 stated. The basin is approximately 15,000 square feet and will have water in it for 3/4 of the year. Observation over the last year has shown that it contains water all year round.

## Analysis

Peacehaven Town Council has a duty of care to its residents. It is believed that the intention is to eventually transfer the adjacent green outdoor space but not the infiltration basin to the Town Council. This could leave the Town Council responsible for the safety of residents, young children in particular, using this green space. The infiltration basin is sufficiently deep and steep sided that it could cause someone to accidentally fall or slip in and drown.

According to Health and Safety principles for SuDS framework and checklists published by CIRIA in 2013:

*“Where it is likely that unsupervised young children could gain access, then a toddler proof fence 500-750mm high should be provided to prevent toddlers getting into the water but allow adult entry where necessary. The fence must be a vertical pale type rather than horizontal rail construction which could be used as a climbing frame.”*

The pond is adjacent to a green space that will be used as a play area by young children.

## Conclusions

Residents and Councillors are concerned about the safety of the infiltration pond at Chalker's Rise and feel that it needs to be adequately fenced to avoid a tragedy in the future. Neither Barratt Homes nor Lewes District Officers believe that fencing is necessary. The developers have only offered a knee high fence when pressed. Lewes District Council Officers feel that they are unable to pursue the matter further which leaves Peacehaven Town Council possibly exposed to litigation in the future or having to pay to fence the adjacent green spaces.

## Recommendations

1. Request that Lewes District Council planners conduct a site visit with Peacehaven Town Council and Peacehaven Focus Group.
2. Obtain a report from an independent expert on the safety of this infiltration pond including comparing the drawings with reality.
3. To consider the findings of the independent expert's report.
4. If the pond is deemed unsafe and is not adequately fenced then Peacehaven Town Council should not accept the transfer of the adjacent green space leaving the responsibility with Lewes District Council or the development company until it is deemed safe.



## Implications

The Town Council has a duty to consider the following implications:

<b><u>Financial</u></b>	Cost of an independent expert's report which would need to be paid for by Peacehaven Town Council. There is budget available for professional services.
<b><u>Legal</u></b>	Potential for litigation and if Lewes District Council or the developers or Peacehaven Town Council were found to be negligent a significant compensation claim could be awarded which may not be covered by insurance.
<b><u>Health and Safety</u></b>	The potential for someone to slip or fall into the unfenced pond and drown.
<b><u>Planning</u></b>	Has the pond been constructed in accordance with the plans?
<b><u>Environmental and sustainability</u></b>	The infiltration pond is not a sustainable drainage system as has been previously installed at Lake Park. There are no reed beds planned.
<b><u>Crime and disorder</u></b>	The pond may attract young swimmers and off road motorbikes.
<b><u>Social value</u></b>	None. The pond does not have a reed bed and any pollutants will accumulate in the silt of the pond until it is removed.
<b><u>Climate</u></b>	No benefit to climate change. It does attract seagulls and ducks.

**Planning Obligation by Deed of Agreement  
under Section 106 of the Town and Country  
Planning Act 1990**

relating to the development of land at Lower  
Hodderm Farm, Lower Hodderm Lane,  
Peacehaven, East Sussex BN10 8AP

Application number: LW/17/0226

Dated 26<sup>th</sup> September 2018

- (1) LEWES DISTRICT COUNCIL
- (2) COLIN FRANK JOCELYN APPLETON, ANNAMARIE GERTRUDE ELSA  
APPLETON, GRAHAM ALFRED APPLETON and PAULINE APPLETON
- (3) BDW TRADING LIMITED
- (4) EAST SUSSEX COUNTY COUNCIL

Legal Services  
Lewes and Eastbourne Councils  
Lewes District Council  
Southover House  
Southover Road  
Lewes  
BN7 1AB

## SCHEDULE 8

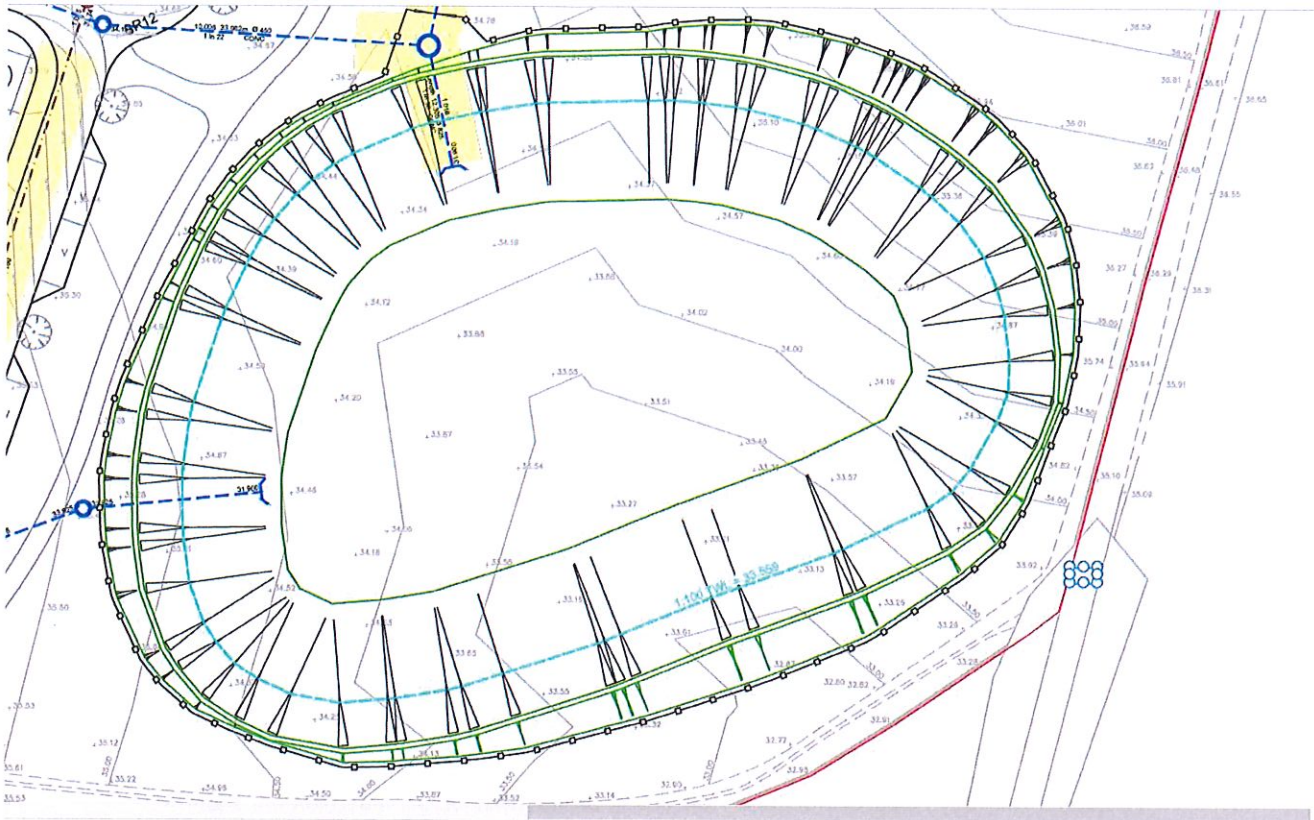
### The Owner's Covenants with the Council

#### SUDS

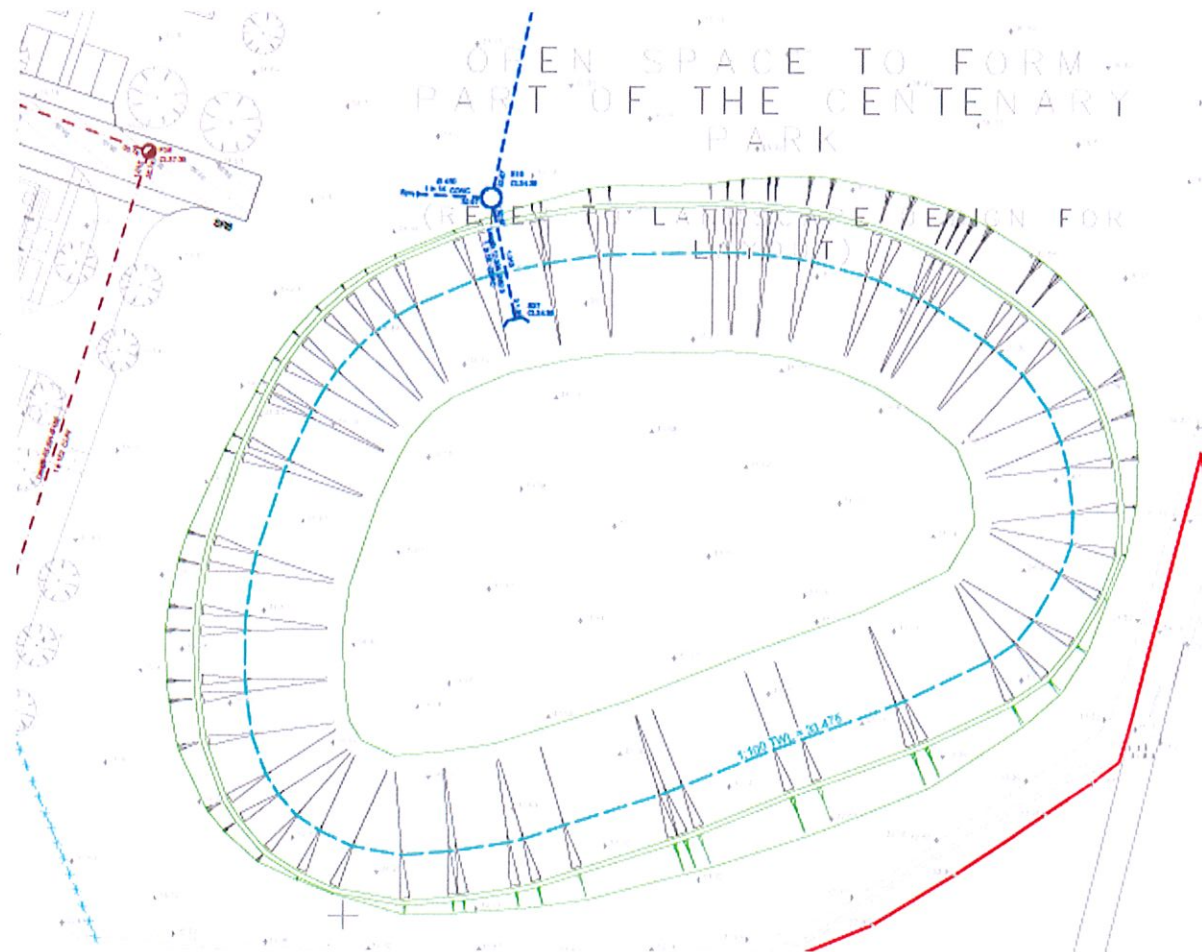
The Owner covenants with the Council as follows:

1. Not to cause or permit the Commencement of the Development unless and until a draft SUDS Management Plan has been submitted to the Council for approval.
2. Not to cause or permit the Occupation of the Development unless and until:
  - (a) the Council has approved the SUDS Management Plan;
  - (b) the SUDS have been provided to the satisfaction of the Council and are ready for use in line with the SUDS Management Plan;
  - (c) the SUDS (including the SUDS Pond) has been provided to the satisfaction of the Council and is in the freehold ownership of a Management Company with standing approved by the Council;
  - (d) the SUDS Pond benefits from public liability insurance up to the value of £10,000,000 (ten million pounds) and the Council has been provided with a copy of the said policy
3. To submit with any Reserved Matters Application an updated SUDS Management Plan for approval by the Council.
4. To implement the SUDS Management Plan approved by the Council from time to time and ensure that the maintenance and management of the SUDS is carried out in accordance with it in perpetuity.
5. Not to cause or permit the Occupation of any Dwelling otherwise than in accordance with the latest SUDS Management Plan approved by the Council from time to time.
6. To maintain the SUDS (including the SUDS Pond) in line with the latest approved SUDS Management Plan from time to time in force.
7. Not to cause or permit the sale, lease or transfer of the SUDS (including the SUDS Pond) to any body other than the Management Company.
8. Not to cause or permit the Occupation of any Dwelling where the SUDS Pond does not benefit from public liability insurance up to the value of £10,000,000 (ten million pounds).

**From original Planning Permission**



**From Hydrock SUDS Management Plan 20<sup>th</sup> September 2018**





This is what has been constructed. The pond contains water all year round.



*Figure 7. Example of play area incorporated within and around a SuDS basin feature (Img. Basin01).*



*Figure 8. Close-up image of Figure 7 illustrating the SuDS Basin and clearly demonstrates its usability as a kick-about area (img. Basin02)*

Barratt David Wilson Southern Counties  
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These artists impressions have been supplied by Barrett's to illustrate what a SUDs basin looks like. This is very different to the infiltration basin that has been constructed at Chalker's Rise.

# SUDS MAINTENANCE PLAN

Table 1 below outlines the requirements for the infiltration basin maintenance. This includes the basin itself and any inlets, outfalls and erosion protection.

Table 1: Infiltration basin maintenance requirements.

Maintenance schedule	Required action	Typical frequency
Regular maintenance	Remove litter, debris and trash	Monthly
	Cut grass - for landscaped areas and access routes	Monthly (during growing season) or as required
	Cut grass - meadow grass in and around basin	Half yearly: spring (before nesting season) and autumn
Occasional maintenance	Manage other vegetation and remove nuisance plants	Monthly at start then as required
	Clearing of trash screen	Monthly
	Reseed areas of poor vegetation growth	Annually, or as required
	Prune and trim trees and remove cuttings	As required
Remedial actions	Repair erosion or other damage by reseeding or re-turfing	As required
	Realign gabion mattress	As required
	Repair or rehabilitate inlets, outlets and overflows	As required
	Rehabilitate infiltration surface using scurfing and spiking techniques if performance deteriorates	As required
	Relevel uneven surfaces and reinstate design levels	As required
Monitoring	Inspect inlets, outlets and overflows for blockages and clear if required	Monthly
	Inspect banksides, structures, pipework etc for evidence of physical damage.	Monthly
	Inspect inlets and pre-treatment systems for silt accumulation, establish appropriate silt removal frequencies	Half yearly
	Inspect infiltration surfaces for compaction and ponding	Monthly

The full location and design of the infiltration basin can be seen on drawings LHF-HYD-XX-XX-DR-C-0606 and drawing LHF-HYD-XX-XX-DR-C-0610.





Planning & Highways Committee -  
Action Plan

updated 5/3/22

CASE NUMBER	MEETING DATE	TASK	ACTION	PERSON RESPONSIBLE	UPDATE
1	03/09/2019	PUBLIC RIGHTS OF WAY WORKING GROUP - CONCRETE PATH LOWER HODDERN FARM TO CENTENARY PARK	<p>Clr Griffiths requested help from other councillors filling in evidence forms (extend of usage prior to 2005)</p> <p>The Parks Officer Kevin Bray has been in contact with Eric Ware (electrical supervisor East Sussex Highways) and a meeting will be held to discuss all of our outside lighting issues once the covid restrictions have eased.</p>	Clr Griffiths - ongoing	Clr Griffiths noted that ESCC Officers had been asked for a simpler way of filling in evidence forms relating to the Hodderm Farm to Centenary Park footpath 24/9/21
2	04/01/2021	6 lamposts			11/1 Zoom organised with Eric Ware on 1st Feb with Parks officer, Clr Seabrook & Clr Symonds long process being looked in to - Clr Seabrook
4	25/08/2021	replacement bus shelter at sutton Ave	to apply for planning permission to install a new shelter south of the existing shelter.	admin officer	on the agenda for P&F 26/4

