



REGULATORY COMMITTEE

PLANNING COMMITTEE

MEETING 10.30 am WEDNESDAY, 14 DECEMBER 2016

COUNCIL CHAMBER, COUNTY HALL, LEWES

MEMBERSHIP - Councillor Godfrey Daniel (Chair)
Councillors Ian Buchanan, Kathryn Field, Roy Galley, Richard Stogdon (Vice Chair), Barry Taylor and Steve Wallis

A G E N D A

- 1 Minutes of the meeting held on 16 November 2016 (*Pages 3 - 10*)
- 2 Apologies for absence
- 3 Disclosures of interests
Disclosures by all members present of personal interests in matters on the agenda, the nature of any interest and whether the member regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent items
Notification of items which the Chair considers to be urgent and proposes to take at the appropriate part of the agenda. Any members who wish to raise urgent items are asked, wherever possible, to notify the Chair before the start of the meeting. In so doing, they must state the special circumstances which they consider justify the matter being considered urgent.

County Matter Proposals - report(s) by the Director of Communities, Economy and Transport

- 5 New building to accommodate scrap metal shredding and processing machinery. H. Ripley & Co., Apex Way, Hailsham, BN27 3WA - WD/781/CM (*Pages 11 - 26*)
Report by the Director of Communities, Economy and Transport
- 6 Any other items previously notified under agenda item 4

PHILIP BAKER
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6 December 2016

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NOTES:

- (1) **Members are reminded that copies of all representations received are available for inspection in the Members' Room**
- (2) **As part of the County Council's drive to increase accessibility to its public meetings, this meeting will be broadcast live on its website and the record archived for future viewing. The broadcast / record is accessible at: www.eastsussex.gov.uk/webcasts**

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 16 November 2016.

PRESENT Councillors Godfrey Daniel (Chair), Kathryn Field, Roy Galley, Richard Stogdon (Vice Chair), Barry Taylor and Steve Wallis

47 MINUTES OF THE MEETING HELD ON 19 OCTOBER 2016

47.1 RESOLVED to approve the minutes of the meeting held on 19 October 2016 as a correct record.

48 APOLOGIES FOR ABSENCE

48.1 Apologies for absence were noted from Councillor Buchanan.

49 REPORTS

49.1 Reports referred to in the minutes below are contained in the minute book.

50 DEMOLITION OF VEHICLE DEPOLLUTION BUILDING AND REPOSITIONING OF REPLACEMENT BUILDING TO THE NORTH OF THE SITE. H RIPLEY & CO, APEX WAY, DIPLOCKS INDUSTRIAL ESTATE, HAILSHAM - WD/779/CM

50.1 The Committee considered a report by the Director of Communities, Economy and Transport.

50.2 Councillor Bentley, one of the Local Members, spoke to support the recommendation and comment on the issue of surface water drainage.

50.3 Members have considered the officer's report and comments of the Local Member, and agree with the conclusion and reasons for recommendation, as set out in paragraph 7 of the report.

50.4 RESOLVED unanimously to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

3. The operation of the building hereby permitted shall be restricted to between the hours of 7.00am and 7.00pm on Mondays to Fridays inclusive and the hours of 08.00am and

1.00pm on Saturdays, and at no time on Sundays, Bank and Public Holidays except for works of essential maintenance or which are to respond to an emergency. No later than two working days after the carrying out of such works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Communities, Economy and Transport.

Reason: To safeguard the amenities of the locality in general, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

4. Following completion of the construction of the building hereby approved the use of the structure shall be confined to the depollution of end of life vehicles only.

Reason: To enable the County Planning Authority to regulate and control the level of use at the site in the interests of amenity, in accordance with Policy WMP25 (a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. Prior to the operation of the building hereby permitted, details of the scheme for the management of surface water draining from the depollution building prior to being discharged into any watercourse, soakaway or surface water sewer, shall be submitted to and approved by the Director of Communities, Economy and Transport. The surface water shall thereafter be managed in accordance with the approved details and maintained in accordance with the approved scheme.

Reason: To safeguard amenity and minimise the risk of pollution, in accordance with Policies WMP25 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

INFORMATIVE

1. The Applicant's attention is drawn to the need to ensure that appropriate procedure, training and equipment is provided for the site to adequately control and respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 807060.

Schedule of Approved Plans

Site Location Plan 3908/SP03 Rev A, Feasibility Scheme 01 3908/SK02 Rev J, Floor Layout and Elevations 3908/SK02

51 MODULAR BUILD EXTENSION TO CREATE 12 NEW CLASSROOMS WITH ANCILLARY ACCOMMODATION TO EAST OF THE EXISTING BUILDING INCLUDING AN ADDITIONAL HALL EXTENSION TO THE NORTH AND INTERNAL ALTERATIONS TO THE EXISTING BUILDING. EXTERNAL WORKS INCLUDE ADDITIONAL PARKING AT THE SITE ENTRANCE, LANDSCAPING TO THE PLAYGROUND AND FURTHER CYCLE PARKING AND AMENDMENTS TO THE BIN STORE TO THE NORTH INCLUDING THE REMOVAL OF TWO MOBILE CLASSROOM BLOCKS AND REMEDIAL LANDSCAPING. MERIDIAN COMMUNITY PRIMARY SCHOOL, RODERICK AVENUE NORTH, PEACEHAVEN, BN10 8BZ - LW/3332/CC

51.1 The Committee considered a report by the Director of Communities, Economy and Transport.

51.2 Georgina Bancroft and Michael Gatti, local residents, spoke against the recommendation.

51.3 Stuart Gallimore, Director of Children's Services, spoke in support of the recommendation.

51.4 Councillor Howson, one of the Local Members, spoke in support of the concerns raised by Georgina Bancroft and Michael Gatti, specifically regarding very serious concerns about the traffic implications of approving the recommendation.

51.5 Members have considered the officer's report and comments of the public speakers and Local Member, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report. Four members voted in favour of recommendation, one member voted against and one member abstained.

51.6 RESOLVED to grant planning permission subject to the completion of the following procedure:

- (i) To authorise the Director of Communities, Economy and Transport to secure, in conjunction with the Assistant Chief Executive, a Legal Agreement or Undertaking requiring a contribution of £10,000 towards the undertaking of parking surveys and, if necessary, towards Traffic Regulation Order procedures incorporating parking restrictions, and any other reasonable ancillary requirements;
- (ii) To authorise the Director of Communities, Economy and Transport to grant planning permission upon completion of the Legal Agreement or Undertaking subject to conditions along the lines as indicated in Minute 51.7 below.
- (iii) To authorise the Director of Communities, Economy and Transport to refer the application back to this Committee if the Legal Agreement or Undertaking is not secured within 6 months.

51.7 The grant of planning permission should be subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

3. No above ground works shall take place until details of the design and materials for the proposed fencing, retaining walls and paving associated with the development hereby permitted have been submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved details shall be implemented in full, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure an appropriate form of development in accordance with Core Policy 11 of the Lewes District Joint Core Strategy 2016, Saved Policy ST3 of the Lewes District Local Plan 2003 and Part 7 of the National Planning Policy Framework 2012.

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Director of Communities, Economy and

Transport. The Plan shall include details of how noise and dust emissions and any external lighting will be controlled and minimised during the construction of the approved development to the benefit of occupiers of nearby properties. Details shall also be included on how the applicant/contractor will keep neighbours informed of the activities at the site, which may include letter drops and public liaison meetings. The approved Plan shall be carried out in full.

Reason: In the interests of safeguarding the amenity of local residents, in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003.

5. During construction of the development hereby permitted, no machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the site other than between the hours of 07.30 and 18.00 on Mondays to Fridays inclusive and between 08.00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003.

6. No works shall commence on site until a detailed strategy and method statement has been submitted to and approved in writing by the Director of Communities, Economy and Transport for securing and demonstrating that the amount of construction waste resulting from the development has been reduced to the smallest amount possible. The statement shall include details of the extent to which waste materials arising from the excavation and construction activities will be used on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be disposed of for reuse, recycling composting or other method in accordance with best practice. All waste materials from the construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. The surface water management proposals formulated for the detailed design stage should be developed in accordance with the Ellis Structures Flood Risk Assessment, dated June 2016, which should be supported by hydraulic calculations and submitted to the Director of Communities, Economy and Transport for written approval. These calculations should take into account the connectivity of the different drainage features and show that the proposed surface water drainage system is capable of managing up to and including the 1 in 100 year rainfall event, including an allowance for climate change. The approved proposals shall be implemented in full.

Reason: To minimise the potential for flooding, in accordance with Core Policy 12 of the Lewes District Local Plan Joint Core Strategy 2016 and the provisions of Part 10 of the National Planning Policy Framework 2012.

8. Prior to any ground works or demolition works commencing on site a full Construction Traffic Management Plan (CTMS) shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. This shall include details on the size of vehicles, the routing of vehicles and the hours of operation. The hours of delivery and collection should avoid peak traffic flow times and AM/PM peak school travel times. Full details should also be provided on the contractors' parking arrangements, which should be provided off-street. The approved CTMS shall be implemented in full.

Reason: In the interests of highway safety and the amenity of persons within the locality, in accordance with Core Policy 13 of the Lewes District Local Plan Joint Core Strategy 2016, Saved Policy ST3 of the Lewes District Local Plan 2003 and the provisions of Part 4 of the National Planning Policy Framework 2012.

9. The development shall not be occupied until the vehicle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that purpose and shall not be used other than for the parking of vehicles.

Reason: To ensure an appropriate level of parking is available for vehicles at the site, in accordance with Core Policy 13 of the Lewes District Joint Core Strategy 2016.

10. The development shall not be occupied until the proposed cycle and scooter parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that purpose and shall not be used other than for the parking of cycles and scooters.

Reason: To ensure an appropriate level of parking is available for cycles and scooters at the site, in accordance with Core Policy 13 of the Lewes District Joint Core Strategy 2016.

11. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site, details of which shall be first submitted to the Director of Communities, Economy and Transport for approval. The approved equipment shall be installed and used for the duration of the earthworks and/or excavations. No vehicle used in connection with the earthworks and/or excavations shall leave the site with mud or other debris on its wheels and bodywork.

Reason: In the interests of highway safety and the amenity of persons within the locality, in accordance with Core Policy 13 of the Lewes District Local Plan Joint Core Strategy 2016 and Saved Policy ST3 of the Lewes District Local Plan 2003.

12. An updated Travel Plan is required to support this development and shall be submitted to the Director of Communities, Economy and Transport for written approval before the occupation of the development hereby permitted. The Travel Plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. This will need to recommend realistic proposals in providing for and improving non-car modes of travel through walking, cycling and the use of public transport and assess the residual impact of the development on the surrounding highway network including ameliorative measures, as necessary, which shall be first agreed in writing with the director of Communities, Economy and Transport. The Travel Plan shall be carried out in accordance with the approved proposals.

Reason: To ensure that private car trips to and from the site are reduced to contribute to meeting the objectives of sustainable development, in accordance with Core Policy 13 of the Lewes District Joint Core Strategy 2016 and the provisions of Part 4 of the National Planning Policy Framework 2012.

13. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has first been submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded in accordance with Core Policy 11 of the Lewes District Joint Core Strategy 2016 and the provisions of Part 12 of the National Planning Policy Framework 2012.

14. The development hereby permitted shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation, the subject of Condition 13, and that the provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the associated report has been first agreed in writing with the Director of Communities, Economy and Transport.

Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded in accordance with Core Policy 11 of the Lewes District Joint Core Strategy 2016 and the provisions of Part 12 of the National Planning Policy Framework 2012.

15. The approved landscaping works including planting proposals shall be carried out before the first occupation of the development hereby permitted and shall be maintained thereafter in accordance with the Landscape Scheme Long Term Management Plan, dated July 2016, submitted with the application.

Reason: To ensure the development is appropriately landscaped and maintained in the interests of the amenity of the locality and wildlife, in accordance with Saved Policy ST3 of the Lewes District Local Plan 2003 and Core Policies 10 and 11 of the Lewes District Joint Core Strategy 2016.

INFORMATIVES:

1. The Applicant's attention is drawn to the provisions of:

The Wildlife and Countryside Act 1981, as amended, with particular reference to reptiles and breeding birds.

The Wild Mammals (Protection) Act 1996, with reference to the presence of an occupied fox den.

2. Construction traffic could damage the adjacent carriageway, footway and/or verges. Therefore, the Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex Highways on 0345 60 80 193 to arrange the undertaking of a photographic survey and joint inspection of the local highway network.
3. The applicant should be aware that the creation of or alteration to an access to the School will require compliance with the Traffic Management Act 2004 and that the contractor will be required to book road space with the County Council's Network Coordination Team (contact 0345 60 80 193).

Schedule of Approved Plans

8830/P.100 - Location Plan, 8830/P.111 - Existing Ground Floor Plan, 8830/P.112 - Existing First Floor Plan & Roof Plan, 8830/P.113 - Proposed Site Plan, 8830/P.114 - Proposed External Works, 8830/P.115 - Proposed Ground Floor Plan, 8830/P.116 - Proposed First Floor Plan & Roof Plan, 8830/P.117 - Proposed Elevations (1 of 2), 8830/P.118 - Proposed Elevations (2 of 2), 8830/P.119 - Proposed Hall Extension Plan, 8830/P.120 - Sections, 8830/P.121 - Visuals, 8830/P.101 - Existing Block Plan, 8830/P.102 - Construction Site Constraints Plan, LLD954/02-

01 Rev 01 - Tree Retention and Protection (drawing 1 of 3), LLD954/02-02 Rev 01 - Tree Retention and Protection (drawing 2 of 3), LLD954/02-03 Rev 01 - Tree Retention and Protection (drawing 3 of 3), LLD954/03-01 Rev 01 - Soft Landscape Layout (drawing 1 of 3), LLD954/03-02 Rev 01 - Soft Landscape Layout (drawing 2 of 3), LLD954/03-03 Rev 01 - Soft Landscape Layout (Drawing 3 of 3), LLD954/04-01 - Detailed Planting Plan (drawing 1 of 4), LLD954/04-02 - Detailed Planting Plan (drawing 2 of 4), LLD954/04-03 - Detailed Planting Plan (drawing 3 of 4), LLD954/04-04 - Detailed Planting Plan (drawing 4 of 4)

The meeting ended at 11.40 am.

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Committee: **Regulatory
Planning Committee**

Date: **14 December 2016**

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

Proposal: **New building to accommodate scrap metal shredding
and processing machinery**

Site Address: **H. Ripley & Co., Apex Way, Hailsham, BN27 3WA**

Applicant: **H. Ripley & Co.**

Application No. **WD/781/CM**

Key Issues: **(i) Purpose of development
(ii) Effect on amenity
(iii) Siting of building
(iv) Surface water drainage**

Contact Officer: **Jeremy Patterson Tel: 01273 481626**

Local Member: **Councillors Bill Bentley and Laurence Keeley**

SUMMARY OF RECOMMENDATIONS

1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report

CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. The site and surroundings

1.1 The application site is an existing scrap metal recycling facility within the Diplocks Way Industrial Estate in Hailsham and is located at the southern end of Apex Way. A waste transfer station adjoins the site to the north and a concrete batching plant is to the east. Directly to the south of the site is Factory Lane, a secured narrow road facilitating access to an electricity sub-station.

1.2 The A22 dual carriageway lies to the west of the site and a residential area is present beyond Factory Lane to the south, with the closest property in Coopers Way some 40 metres distant. On the opposite side of the A22 is

agricultural land and woodland, with Bushy Wood Farm 60 metres west of the application site.

1.3 The application site is 1.6 hectares in area and is orientated south-east to north-west. The eastern part is rectangular in shape and comprises the existing recycling operation with various buildings, processing equipment and stockpiles of metal, some within bays. The western part of the site is triangular in shape. It had comprised trees and shrubs but since planning permission was granted to extend the metal recycling yard in 2012, the vegetation has been cleared and the ground prepared for development. Screens of trees to the west, south and north of the site have been retained and some trees are subject to Tree Preservation Orders (TPO). A public footpath passes through the north-western corner of the site, beyond which is a large surface water balancing pond.

2. Site history

2.1 The site has been subject to various planning permissions in the past, including a recent permission for the re-location of a vehicle de-polluting building (ref WD/779/CM), which was granted by Planning Committee in November 2016. The planning permission of particular relevance to the current application relates to WD/633/CM, which was granted in 2012 and involved an extension to the recycling facility into adjoining undeveloped land, together with alterations to the existing site layout. This permission is subject to a comprehensive set of conditions, including several which required details to be submitted for approval, for example, a scheme for additional planting in the undeveloped buffer areas. The applicant has submitted information pursuant to these conditions and they have now been discharged.

3. The proposal

3.1 The proposal is to construct a large building within the previously approved extension area, which would be used to accommodate metal processing activities, which are currently undertaken in the open yard within the eastern part of the site. The building would be steel framed and measure 45.8 metres by 46.5 metres, giving an overall floor space of 2130 square metres. It would have a dual pitched, low profile roof with a 9.7 metres ridge height and 8.6 metres eaves height. The elevations and roof of the building would be metal clad in grey with 3 metres high concrete panels around its perimeter.

3.2 Part of the previously approved extension area would be concreted to accommodate the building and associated external areas and include an acoustic barrier on three sides, standing at 6 metres in height on the southern side, 5 metres on the western side and 3 metres on the northern side. The open area to the south of the building would be used for the storage of feedstock materials for processing and the area to the north of the building would be used to accommodate the processed material, prior to transfer. Access to these areas would be directed from the circulation space within the existing yard.

3.3 The undeveloped, treed buffer areas within the application site, which were identified under planning permission WD/633/CM, would be retained as part of the proposal. This involves a buffer depth of 20 metres on the western side, 15 metres on the northern side and 10 metres on the southern side.

4. Consultations and representations

4.1 Wealden District Council raises no objections subject to the County Council being satisfied that there is sufficient information that the existing tree buffer zone of the site would not be adversely affected by the proposed construction.

4.2 The District's Environmental Health Officer raises no objections and notes that as the proposal involves moving the current external scrap processing facility inside the building and further away from residential properties, it would be beneficial regarding noise. Despite this, any permission should include the existing condition restricting noise levels and the approved acoustic barriers should be installed. The proposed measures for insulating the new building should be approved before processing commences and consideration should be given to closing the roller shutter doors on the building when processing takes place.

4.3 Hailsham Town Council has not submitted any observations.

4.4 Highway Authority raises no objections.

4.5 Environment Agency raises no objections.

4.6 Flood Risk Management ESCC comments that the proposals for managing surface water runoff are acceptable in principle.

4.7 Representations: Seven residents from five properties in Coopers Way have made representations. Five residents object on the grounds of safety, noise/dust from the site and that the hours of operation should be restricted and two acknowledge the benefits that the building would bring to the site in terms of noise emissions, although wish for a noise condition to remain and do not wish existing hours of operation to increase.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Waste Hierarchy), WMP6 (Safeguarding Waste Sites), WMP7a (Sustainable Locations for Waste Development), WMP22 (Increased Operational Capacity within the Site Boundary of Existing Waste Facilities), WMP23a (Design Principles), WMP25 (General Amenity), WMP26 (Traffic Impacts), WMP27 (Environment) and WMP28a (Flood Risk).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan Submission Draft 2015: Policy SP5 (Existing Industrial Estates) and Policy SP6 (Safeguarding Waste Sites).

The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (WMSP) sets out the site specific policies for the management of waste and minerals in the Plan Area up to 2026 and on 14 April 2016 was submitted to the Government for Examination. Public Examination Hearings were held between 2 August and 4 August 2016, following which, Main Modifications to the Plan were proposed and have been subject to consultation which closed on 7 October 2016. At the time of writing, the Inspectors report into the Examination in Public of the WMSP has been issued, which indicates that, subject to the recommended Main Modifications to the Plan being made, the WMSP is sound and capable of adoption. The Submission Plan is therefore a material consideration when assessing applications, and considerable weight should be attached to its policies. The East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) and the Saved Policies contained within the Waste Local Plan 2006 form part of the Development Plan for the area.

5.3 Wealden District (including Part of the South Downs National Park) Core Strategy Local Plan 2013: Policy WCS12 (Biodiversity). This Plan is the key policy document for the District setting out a strategic vision, objectives and spatial strategy for the area up to 2027. Currently saved development management policies contained in the Wealden Local Plan 1998 remain part of the Development Plan for the area.

5.4 Wealden Local Plan 1998: Saved Policy EN27 (Design, including amenity).

Wealden District Council has not formally determined whether its Saved Policies within the Wealden Local Plan are in general conformity with the NPPF. However, the Saved Policies are considered by the County Planning Authority to be in general conformity with the overarching principals of the NPPF.

5.5 National Planning Policy Framework (NPPF) 2012:

The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. It does not contain specific waste policies but regard should be had to the NPPF policies as far as relevant.

5.6 National Planning Policy for Waste (NPPW) 2014:

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

6. Considerations

Purpose of development

6.1 Policy WMP3b of the Waste and Minerals Plan requires proposals to have regard to the waste hierarchy. Policy WMP6 safeguards existing waste management facilities and Policy WMP7a directs proposals to Areas of Focus, which are considered to represent more sustainable locations for waste development. Policy WMP22 supports proposals which increase the operational capacity of existing sites. The Submission Draft Waste and Minerals Sites Plan directs proposals for waste management to existing industrial estates (Policy SP5) and safeguards existing waste sites (Policy SP6), which includes the applicant's site in Apex Way and is identified at Map 21.

6.2 H. Ripley & Co. is an established business in the management of scrap metal. The Apex Way site is one of five sites that the company operates in the South East. This site receives up to 75,000 tonnes of scrap per year, which is then processed, sorted and shredded before being baled for resale and reuse. The site generates local employment (about 50 jobs overall) and is an important facility in the processing and recycling of scrap in the locality. It also performs an important function in managing scrapped and/or abandoned vehicles, principally within the districts of south Wealden and Rother and the Eastbourne area.

6.3 The site was granted permission in 2012 for an extension to the yard in order to provide additional capacity to facilitate greater effectiveness of the recycling operation. This is because it was recognised that the operating site lacked space and that an extension would improve operational efficiencies, as well as conditions for health and safety. The applicant had intended to move the metal shredding and processing facility into the extension area both to free up space in the eastern part of the site and to create greater separation from the residential area to the south. The way in which the processing activities were to be accommodated in the extension area had not been finalised at the time the extension was approved and it was intended that this would be dealt with separately. The current application now seeks to address this matter by proposing to move the processing facility into the extension area but for it to be contained within a new building.

6.4 The site is an established scrap facility within an established industrial estate and the proposal seeks to improve operational efficiencies in the processing and recycling of waste metal. As such, the proposal is supported in principle by Policies WMP3b, WMP6, WMP7a and WMP22 of the Waste and Minerals Plan. Emerging Policies SP5 and SP6 of the Submission Draft Waste and Minerals Sites Plan also support the proposal in principle.

Effect on amenity

6.5 Policy WMP25 of the Waste and Minerals Plan requires proposals to have no unacceptable effect on amenity and no significant adverse impact on

air quality or the acoustic environment. Proposals should include adequate means for controlling, inter alia, noise and dust. Saved Policy EN27 of the Wealden Local Plan requires development not to create unacceptable adverse impacts on amenity.

6.6 The processing of scrap is an industrial activity which will inevitably generate some noise. Although the site is within an established industrial estate with other potentially noise generating activities nearby, it is located at the southern end of the industrial area and only about 40 metres from residential properties further south. Although the site is well screened from the residential area by woodland belts along the southern boundary, noise from the site can be identified from the residential area and two occupiers from Coopers Way have objected to the proposals on the grounds of noise. However, the proposal is seeking to move the more noisy processing plant from the open yard in the eastern part of the site, which is currently some 90 metres from the nearest residential property in Coopers Way, to the western part of the site, which would be 140 metres distant.

6.7 At the time that the extension of the yard was granted permission in 2012, the County Council, as Waste Planning Authority, considered that there was an opportunity to reorganise the site such that the more noisy activities could be moved further away from residential properties. The results of the noise report submitted with the application at that time reinforced the potential benefits of such a reorganisation by indicating that with mitigation measures, including noise attenuation barriers, noise would be reduced by moving noisy activities further west.

6.8 The current application provides the opportunity to reduce noise further by housing the metal shredding and processing activities within the proposed building. The new building would also be insulated to be able to absorb noise from the processing activities, even when the roller shutter doors are open to provide access.

6.9 The controls on permission WD/633/CM, regarding limiting noise levels and restricting the hours of operation, are recommended for inclusion in granting approval for the current proposal, as well as requiring the installation of the noise attenuation barriers. Moreover, a condition is also recommended requiring details to be submitted for the proposed measures to insulate the building. These controls accord with the recommendations of the EHO. However, the EHO's suggestion that the roller shutter doors should be closed during processing activities is not considered reasonable or practical, due to the need for the operator to maintain regular access into and out of the building and to provide for natural ventilation.

6.10 The proposed new building would enable existing noise levels at the site to be reduced, thereby resulting in a benefit to the amenity of residents in Coopers Way and elsewhere in the residential area to the south. Two residents have offered support to the proposal for that reason. Therefore, subject to the recommended conditions to restrict noise levels, provide

measures for noise attenuation and maintain existing hours of operation, the proposal is considered to be acceptable in terms of the effect on amenity.

Siting of building

6.11 Policy WMP23a of the Waste and Minerals Plan requires buildings to be of a scale, form and character appropriate to its location and allow sufficient space for the effective sorting, recycling, recovery and storage of waste. Saved Policy EN27 of the Wealden Local Plan requires development to be of an appropriate scale and form.

6.12 Although the proposed building is large, it would not be out of character with other structures and uses within the industrial area of Apex Way. Existing large structures are present immediately to the east of the application site (concrete batching plant) and to the north (waste transfer station). The new building would be located on the western side of the site between the edge of the industrial area and the A22. The intervening woodland tree belt includes a TPO with trees ranging in height from 10 to 14 metres. It forms part of an extended tree screen to the north and south, which has an important landscape and visual function of screening the urban edge of Hailsham from the wider countryside. This wider tree belt also provides a green corridor effect for users of the A22, which is important to the setting of the town. Trees are also present on the southern and northern boundaries of the site, also the subject of TPOs, and contribute to its screening from these directions. Consequently, these tree belts are essential to the visual mitigation of the existing and proposed development at the site.

6.13 Permission WD/633/CM includes conditions which required details to be submitted on managing the ecological interest and providing for additional planting in the buffer zones within the application site, as well as protecting the retained trees. These details have been approved and the relevant conditions discharged. However, it is recommended that the approved details are required to be implemented as part of any new permission for the new building. Subject to the inclusion of these requirements, the proposal is considered to be acceptable in relation to the siting of the building.

Surface water drainage

6.14 Policy WMP28a of the Waste and Minerals Plan requires, inter alia, that development adequately provides for the implications of flood risk and that proposals should have appropriate measures in place to reduce surface water runoff.

6.15 The applicant has sought to provide for a surface water drainage system that would cover the whole site and has submitted details accordingly. There are no proposals to discharge runoff from the site to the surface water drainage network. Instead, the proposals involve collecting runoff in an open, contained channel along the western boundary of the site and then pumping flows to an existing foul sewer to the south of the site at a peak rate of 9 litres per second. The volume of runoff has been agreed between the applicant and

Southern Water. The applicant has also submitted hydraulic calculations which demonstrate that rainfall events up to and including the 1 in 100 year (including provision for climate change) event would be stored within the site without increasing flood risk off site.

6.16 The proposed measures for managing surface water drainage at the site are considered to be acceptable and accord with Policy WMP28a of the Waste and Minerals Plan.

7. Conclusion and reasons for approval

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is for the construction of a large building within the previously approved western extension to the metal recycling facility and would provide for greater operational efficiencies in the management of scrap. The building would house metal processing activities, which currently take place externally within the eastern part of the site. The transfer of these activities to the western part of the site would provide greater separation from residential properties to the south, as well as contain operations within a building, thereby further reducing the potential for noise. This will be of benefit to the amenity of the locality. The building would be well screened from adjacent land due to the presence of mature trees within the retained buffer areas along the boundaries of the western extension. The whole site would also benefit from an acceptable surface water drainage system. The proposal is considered to be acceptable and accords with Policies WMP3b, WMP6, WMP7a, WMP22, WMP23a, WMP25, WMP26, WMP27 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy WCS12 of the Wealden District Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998 and emerging Policies SP5 and SP6 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan Submission Draft 2015.

7.3 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

8. Recommendation

8.1 To recommend the Planning Committee to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed in the Schedule of Approved Plans.

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

3. The management of the undeveloped buffer areas within the application site shall be undertaken forthwith and in accordance with the documents approved on 6 March 2015 for planning permission WD/633/CM, namely:
(i) The Ecological Mitigation/Enhancement Plan by Arbtech, dated January 2014;
(ii) The Phase 1 Habitat Survey by Arbtech, dated 2013;
(iii) Arbtech Drawing Numbers AIA01 and TPP01;
(iv) The Landscape Management and Maintenance Plan/Specification by Benjamin Beth Projects Ltd, dated October 2014; &
(v) The Landscape Strategy Drawing Number P453/001 Rev C,
unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To ensure the protection of the mature trees and the watercourse within the buffer areas, to ensure the development is appropriately screened from the A22 and to ensure there is no unacceptable effect on 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 District Core Strategy Local Plan 2013.

4. The undeveloped buffer areas on the northern, southern and western boundaries of the site extension approved under planning permission WD/633/CM and shown as 'Proposed enhanced tree and shrub screen planting' on approved drawing 3908/Sk02 Rev. K, shall be retained as undeveloped buffer areas at all times and shall not be used for any activity other than as approved in the provisions of Condition 3 above.

Reason: To ensure the protection of the mature trees and the watercourse within the buffer areas, to ensure the development is appropriately screened from the A22 to ensure there is no unacceptable effect on 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 District Core Strategy Local Plan 2013.

5. The protection of trees within the buffer areas during the construction period shall be carried out in accordance with the Arboricultural Development Report by Arbtech, dated 20 October 2014 and Arbtech Drawing Numbers AIA01 and TPP01, approved on 6 March 2015 for planning permission WD/633/CM, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To ensure the trees on the site boundaries, including those trees which are subject to Tree Preservation Orders, are protected and retained in the interests of screening the site and protecting 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 District Core Strategy Local Plan 2013.

6. The development hereby permitted shall be carried out in accordance with the Construction Management Plan approved on 6 March 2015 for planning permission WD/633/CM, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

7. Before the occupation of the extension area the proposed noise attenuation barriers shall be erected in accordance with the provisions contained within approved Drawing Number 3908/Sk02 Rev K and in conjunction with the approved tree protection measures the subject of Condition 5 above, unless otherwise agreed in writing with the Director of Communities, Economy and Transport. The noise attenuation barriers shall be maintained thereafter in a good state of repair for the duration of the development.

Reason: In the interests of safeguarding residential amenity and protecting trees within the undeveloped buffer areas, in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. Before the occupation of the building hereby permitted details of the materials proposed to be used for the insulation of the building shall be submitted in writing to the Director of Communities, Economy and Transport for written approval. The use of the approved materials shall be implemented in full before any processing commences within the building and the materials shall thereafter be maintained in a good state of repair for the lifetime of the building.

Reason: To reduce noise from the processing activities in the interests of safeguarding amenity within the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

9. The site extension shall not be occupied until details of the layout of the entire site have been submitted to and approved in writing by the Director of Communities, Economy and Transport. The details shall include a scaled plan illustrating:

(i) The general location for activities associated with receiving, sorting, storing, processing, loading and unloading waste metals;

(ii) The location of any static plant and machinery; &

(iii) The location of any bays or other solid barriers within the site, including details of their approximate height and materials.

The approved layout shall be retained, and any changes to it shall first be submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: To allow the Waste Planning Authority an appropriate degree of control over the location of activities within the site in the interests of reducing the potential for noise and other emissions which may adversely affect the occupiers of nearby residential properties, in the interests of protecting residential amenity in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. Except for the provisions contained within the approved Drawing Number 3908/Sk02 Rev K, no additional artificial external lighting, including floodlighting, shall be installed or used within the application site other than in accordance with details that have first been submitted to and approved in writing by the Director of Communities, Economy and Transport. Such details shall include the type, location and number of lights together with the direction of the light beam and details of the hours of use of the lights.

Reason: In the interests of safeguarding residential amenity and protecting wildlife, 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 District Core Strategy Local Plan 2013.

11. The operation of the metal recycling facility shall be restricted to between the hours of 07.00 and 19.00 on Mondays to Fridays inclusive and the hours of 08.00 and 16.00 on Saturdays, and at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. Between the hours of 13.00 and 16.00 on Saturdays, the use of the site shall be restricted to the unloading of materials and the maintenance of plant and machinery only.

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

12. The rating level of noise emitted from the site, expressed as a 1hr LAeq, determined in accordance with BS 4142:2014 'Rating for Industrial Noise Affecting Mixed Residential and Industrial Areas' shall not exceed 5 dBA above the existing background LA90 noise level when measured at any boundary of 30 Coopers Way and/or 33 Coopers Way, and/or any other residential property, at any time when the site is operational (in accordance with the hours detailed in Condition 10 above). If plant has a tonal or impulsive characteristic then the rating level should be corrected by +5 dBA to reflect the likelihood for disturbance.

Note: The existing background levels should be measured when no part of the application site is in operation.

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

13. No material shall be stacked or stockpiled to a height exceeding 6 metres and shall not encroach beyond the boundaries of any part of the application site.

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

14. The extension hereby permitted shall not be occupied until a scheme for the provision of marker posts has been submitted to and approved in writing by the Director of Communities, Economy and Transport. No fewer than 4 marker posts shall be erected within the application site (in specified locations) to identify the 6 metres stockpile height limit. The scheme shall be implemented in full prior to the occupation of the

building, and the marker posts shall thereafter be retained as approved, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To enable the identification of the approved stockpile height limit in the interests of visual amenity, in accordance with WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. Before the occupation of the site extension area, construction of the surface water drainage scheme shall be carried out in accordance with the following approved documents:
- (i) E9642 Surface Water Design report, Rev J;
 - (ii) Drawing Number E9642/01 Rev H; &
 - (iii) Drawing Number E9642/02 Rev F,
- and be subject to the approved tree protection measures the subject of Condition 5, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To ensure satisfactory drainage of the site and to prevent water pollution in accordance with Policy WMP38 (a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

16. The proposed building hereby permitted shall not be brought into use until the site access has been altered and new pedestrian access provided in accordance with the details on approved Drawing Number 3908/Sk02 Rev. K. The accesses shall thereafter be retained in accordance with these details unless the Director of Communities, Economy and Transport approves an alternative arrangement.

Reason: In the interests of highway safety and convenience and safety within the site, in accordance with Policy WMP26(a) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

17. The proposed building hereby permitted shall not be brought into use until the new dedicated car parking area and the visitor car parking spaces, as shown on approved Drawing Number 3908/Sk02 Rev. K, have been provided. The parking area and visitor spaces shall be kept available and maintained in a suitable condition for the parking of motor vehicles and shall not be used for any other purpose, except with the prior written consent of the Director of Communities, Economy and Transport.

Reason: To ensure the retention of appropriate car parking facilities in accordance with Policy WMP26(e) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

18. The site extension hereby permitted shall not be brought into use until the covered bicycle and motorcycle parking/storage facility, as shown on approved drawing no. 3908/Sk02 Rev. K and detailed under planning permission WD/633/CM, has been provided. The facility shall be kept available and maintained in a suitable condition for the parking/storage of bicycles and motorcycles and shall not be used for any other purpose, except with the prior written consent of the Director of Communities, Economy and Transport.

Reason: To ensure the retention of appropriate bicycle and motorcycle parking facilities, in accordance with Policy WMP26(e) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

19. A clear route for vehicles travelling within the application site shall be retained at all times, sufficient to allow all vehicles using the site to enter in forward gear and exit in forward gear.

Reason: In the interests of highway safety and convenience and safety within the site, in accordance with Policy WMP26(a) & (e) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

INFORMATIVES

1. The applicant is informed that any changes to operations must also comply with the requirements of the Environmental Permit issued by the Environment Agency, and is advised to contact the Environment Agency for further information.

Schedule of Approved Plans

3908/SP03 Rev A - Site Location Plan, 3908/SP01 Rev C - Existing Site Layout, HR001-S-A0002 - Shredder Yard Layout, HR001-R-P0009 - Shredder Building, E9642-01 Rev H Drainage Proposals Sheet 1 of 2, E9642-02 Rev F Drainage Proposals Sheet 2 of 2

RUPERT CLUBB

Director of Communities, Economy and Transport

5 December 2016

BACKGROUND DOCUMENTS

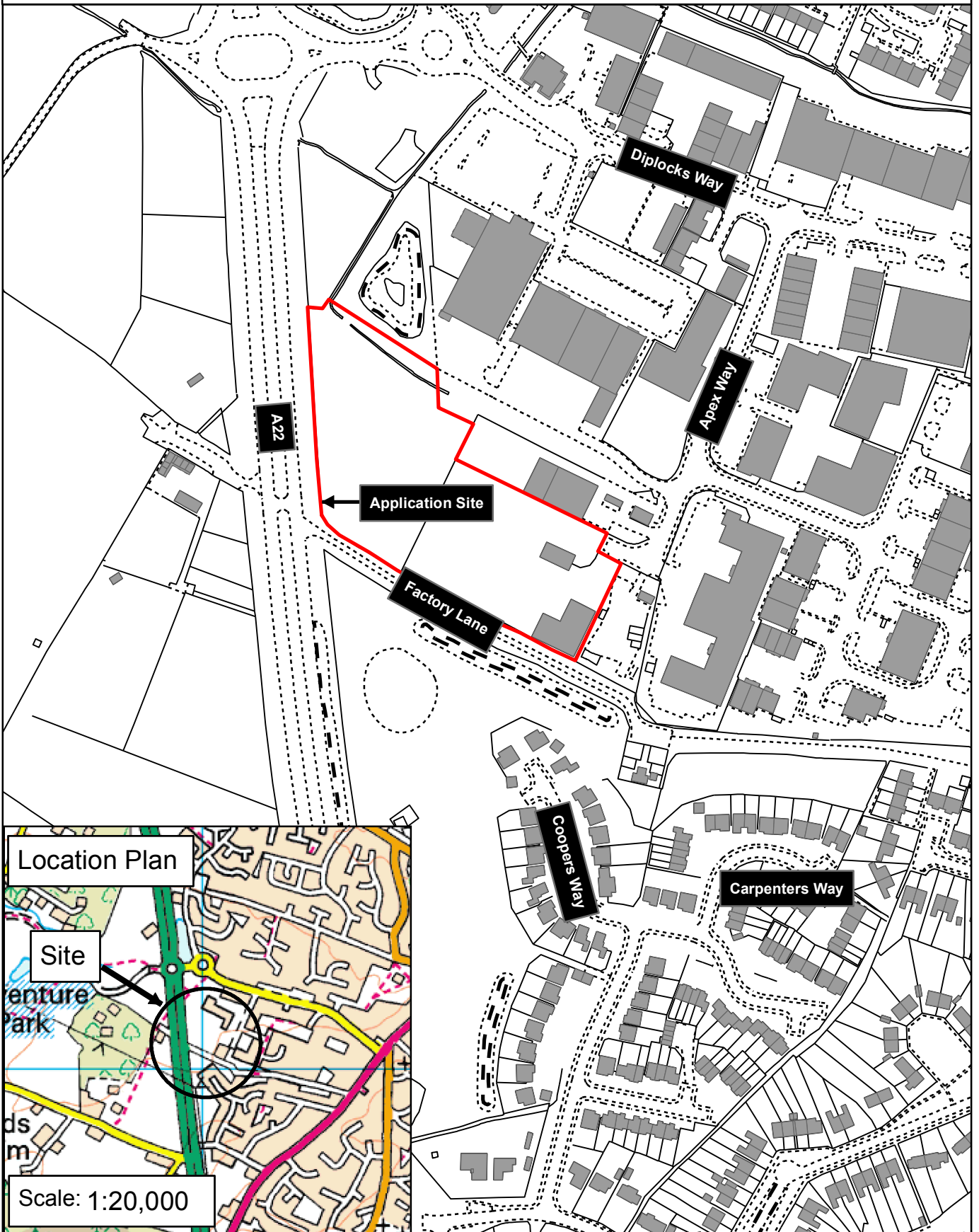
Application file WD/781/CM

Planning permissions WD/633/CM & WD/779/CM

The Development Plan

WD/781/CM

H Ripley & Co, Apex Way, Diplocks Industrial Estate, Hailsham



Scale: 1:3,000

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Director of Communities,
Economy and Transport
East Sussex County Council

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