



## REGULATORY COMMITTEE

## PLANNING COMMITTEE

**MEETING 10.30 am WEDNESDAY, 11 MARCH 2020**

**COUNCIL CHAMBER - COUNTY HALL, LEWES**

**MEMBERSHIP** - Councillor Richard Stogdon (Chair)  
Councillors Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel,  
Kathryn Field, Tom Liddiard and Pat Rodohan

### **A G E N D A**

- 1 Minutes of the meeting held on 12 February 2020 (*Pages 3 - 6*)
- 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 Change of use of coal yard and existing building to a tyre recycling and crumb and bale production facility. Swan Barn Business Centre, The Coal Yard, Swan Barn Road, Hailsham, BN27 2BY.- For Pyrite Industries Ltd - WD/831/CM (*Pages 7 - 26*)  
Report by the Director of Communities, Economy and Transport
- 6 Any other items previously notified under agenda item 4

PHILIP BAKER  
Assistant Chief Executive  
County Hall, St Anne's Crescent  
LEWES BN7 1UE

3 March 2020

Contact Simon Bailey, Democratic Services Officer,

#### **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](http://www.eastsussex.gov.uk/webcasts)*

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## PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 12 February 2020.

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PRESENT Councillors Richard Stogdon (Chair), Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel, Kathryn Field, Tom Liddiard and Pat Rodohan

### 36 MINUTES OF THE MEETING HELD ON 15 JANUARY 2020

36.1 The minutes of the meeting held on 15 January 2020 were approved as a correct record.

### 37 DISCLOSURES OF INTERESTS

37.1 Councillor Tom Liddiard declared a personal and prejudicial interest in Item 5: Site 6 – Mark Lane, in that he is a friend of the owner of a business in Mark Lane, so withdrew from the Chamber during consideration of the particular site having made observations on the proposal.

### 38 REPORTS

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

### 39 TRO - EASTBOURNE PARKING REVIEW

39.1 The Committee considered a report by the Director of Communities, Economy and Transport. Councillor Liddiard withdrew during consideration of Site 6 – Mark Lane having commented on the proposals.

39.2 The following members of the public spoke about the following sites:

Site		Public speaker
1	Brodrick Road	Paul Bailey
21	Wilmington Square	Barbara Granger
24	Matlock Road, Meads Street	Rosemary Bird

39.3 Councillor Pat Rodohan and Councillor Barry Taylor, the Local Members, spoke about the following sites:

Site		Local Member
5	Edensor Road, Rowsley Road	Taylor
6	Mark Lane	Taylor
12	Commercial Road	Rodohan

16	Devonshire Place	Taylor
17	Grove Road, Hyde Road, Camden Road, Calverley Road, York Road	Taylor
18	Arlington Road, Old Orchard, Road, Saffron's Road	Rodohan
19	Furness Road	Taylor
20	Hardwick Road	Taylor
21	Wilmington Square	Taylor
22	Wilmington Gardens	Taylor
23	Meads Street, Holywell Road, Cliff Road	Taylor
24	Matlock Road, Meads Street	Taylor
25	Meads Road, Saffrons Park	Taylor
26	St Annes Road	Rodohan
28	Carew Road	Rodohan

39.4 Members have considered the report, together with the comments of the public speakers and comments of the local members expressed at the meeting and provided in writing, and agree with the conclusion and reasons for recommendations as set out in paragraph 3 of the report, with the exceptions set out below.

39.5 The following Members abstained from voting on the following sites:

Site		Members abstaining
15	Elms Avenue	Liddiard and Taylor
20	Hardwick Road	Field, Liddiard, Rodohan and Taylor

39.6 Councillor Daniel voted against the officer recommendation in respect of Site 19 – Furness Road.

39.7 RESOLVED to: (1) uphold the objections in Appendix 1 of the report;

(2) not uphold the objections in Appendix 2 of the report; and

(3) recommend to the Director of Communities, Economy and Transport that the Order be made in part.

**40 WOOD RECYCLING OPERATIONS. HOLLEY WOODSHAVINGS SQUIRES FARM, INDUSTRIAL ESTATE, OFFICE 1 PALEHOUSE COMMON, FRAMFIELD, TN22 5RB - WD/836/CM**

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

40.2 The following people spoke against the recommendation for refusal of planning permission:

- Lucy Binnie (Agent)
- Sara Holley (Applicant)
- Stuart Curtis of Stamco (local business)

40.3 The following people spoke in support of the recommendation for refusal of planning permission:

- Christine Howe (adjoining landowner)
- Mike Collins on behalf of Councillor Ann Newton (local Wealden District Council ward member)
- Roger Simmons (local resident)

40.4 Councillor Chris Dowling, the Local Member, spoke to recognise the fine balance of the application in terms of merit and to support the recommendation.

40.5 Members have considered the report, together with the comments of the public speakers and Local Member, and agree with the conclusions and reasons for recommendation set out in paragraph 7 of the report.

40.6 RESOLVED unanimously to refuse planning permission for the following reasons:

1. The development generates dust which is deposited on adjoining land. This creates concern and nuisance for landowners, particularly regarding the undertaking of agricultural activities which is considered to be harmful. Consequently, the development is unacceptable and conflicts with Policy WMP25 (a), (b) and (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 (2) of the Wealden Local Plan 1998 and the provisions of paragraph 127 of the National Planning Policy Framework 2019.

The meeting ended at 1.00 pm.

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Committee: **Regulatory  
Planning Committee**

Date: **11 March 2020**

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

Proposal: **Change of use of coal yard and existing building to a  
tyre recycling and crumb and bale production facility.**

Site Address: **The Coal Yard, Swan Barn Road, Hailsham, BN27 2BY.**

Applicant: **Mr Mohammed Hashim, Pyrite Industries Ltd**

Application No. **WD/831/CM**

Key Issues: **(1) Principle of the Development  
(2) Effects on Amenity  
(3) Visual Impact  
(4) Traffic, Access and Parking**

Contact Officer: **Benjamin Brett, Tel No. 01273 481833**

Local Member: **Councillor Bob Bowdler**

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## **SUMMARY OF RECOMMENDATIONS**

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

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## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. The Site And Surroundings**

1.1 The application site is a former coal yard located to the south east of Hailsham town centre, within an existing industrial and commercial estate that adjoins Station Road. The site is 0.26 hectares in size and surfaced with concrete. Its layout has not been altered from its previous use as a coal storage and distribution facility, and comprises a metal sheet building in the northern corner of the site with a partially enclosed storage area with a mesh surround adjacent to it, a number of storage bays in the western area, and a small site office in the south-eastern area. There is a large area of open space in the centre of the site. Concrete walls 2.3m in height bound the site to the north, west and south, and there is palisade fencing approximately 2.4m in

height along the eastern boundary. Mature vegetation screens the site from the north and west.

1.2 The other units on the industrial and commercial estate are the Hailsham Household Waste Recycling Site (HWRS) to the southwest of the site and the Swan Barn Business Centre, which consists of a number of business related units, to the southeast. The land directly to the north, east and west is open fields. The closest existing residential areas are approximately 130m to the northwest of the site along Station Road, 140m to the south at the Swan Barn Travellers Site and 150m to the north within the Butts Field housing estate. Approximately 160m to the southeast of the site is the Hailsham South Wastewater Treatment Works. Approximately 500m to the east is the Pevensy Levels Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site.

1.3 There is significant further residential development planned in close proximity to the site. Outline planning consent has been granted by Wealden District Council, subject to a section 106 Legal Agreement, for the development of 400 houses on land approximately 20m to the west across Station Road. According to indicative layout plans submitted with the outline application, the nearest residential properties to the site would be approximately 120m away. The land directly to the northeast of the site is subject to an outline planning application for 140 houses which has not yet been determined. According to indicative layout plans, the nearest properties would be approximately 40m from the site.

1.4 Access to the site is via the shared access road for the industrial and commercial estate, Swan Barn Road. Swan Barn Road connects with Station Road, which runs from central Hailsham and joins with the B2104 to the south via Saltmarsh Lane.

## **2. The Proposal**

2.1 The proposal is for the change of use of an existing coal storage and distribution facility to a tyre recycling, crumb and bale production facility. The proposed use is considered to be waste management, and therefore falls under the *sui generis* use class. The proposal would make use of the existing buildings and bays onsite, and would not involve any excavation or significant engineering works. Acoustic screening and enclosures would be provided, but these would be affixed to existing walls and structures. The existing boundary treatment, including all trees, would be retained.

2.2 The proposed facility would accept and store end of life tyres for processing and turning into product for onward sale. The machinery employed onsite would comprise a shredder and a secondary shredder, a baler, and a mixer used for colouring processed material. Raised conveyors would run between the two shredders to feed material along the processing line. Bagged tyre crumb, baled tyres and baled steel extracted from tyres would be exported from the site. Shredding would be carried out in the south western part of the site closest to Station Road, within the existing concrete bays



which would be fully enclosed with a purpose built enclosure up to 4.2m in height. Colouring would take place inside the existing metal sheet building in the northern area of the site, and baling would be carried out in the partially enclosed area adjacent to this building. Besides colouring, the metal sheet building would also be used for tyre storage and bicycle parking. Acoustic barriers up to a total height of 4.1m would be erected atop the western perimeter wall adjacent to the shredding line, and atop the bay wall behind the enclosed area where the baler would be housed. The existing site office would be kept as an office, and there would be parking in the eastern part of the site. Vehicles accessing the site would drive into the central part of the yard to deliver tyres for processing, or to pick up processed material.

2.3 It is proposed that the site would open between the hours of 07:00-17:30 Monday to Friday and between 09:00-13:00 on Saturday, and at no time on Sundays or Bank Holidays. Operation of processing plant would be limited to periods when the nearby HWRS is operational. The HWRS operates, on Monday to Friday, between the hours of 08:00-16:00 from October to the end of March, and between the hours of 08:00-17:00 from April to the end of September; Saturday hours are 09:00-13:00 all year round. Processing hours at the application site are proposed to be restricted to 08:00-16:00 Monday to Friday and 09:00-13:00 Saturday all year round. Outside of these hours the site would only be open for deliveries and general housekeeping.

2.4 The site would accept and process a maximum of 5,000 tonnes of end of life tyres per annum, with tyres delivered in Light Goods Vehicles (LGVs) transporting loads of approximately 1.7 tonnes. There would be an estimated maximum of 18 vehicle movements per day for imports into the site by LGVs: 9 trips into the site and 9 leaving. Heavy Goods Vehicles (HGVs) would only be used for transporting bagged crumb, baled tyres and baled steel onwards from the site. There would be 6 HGV movements per week: 3 into and 3 out of the site. The applicant has indicated that HGVs accessing the site will be routed to approach from the south of Station Road, so as to avoid the existing and planned residential areas of Hailsham. A gas powered forklift would be used to move material around within the site.

2.5 It is proposed that the site would employ up to 10 full-time equivalent members of staff.

2.6 The site would operate under an Environmental Permit, issued by the Environment Agency, which would govern site management and environmental standards, and which would be applied for pending determination of this planning application.

### **3. Site History**

3.1 There is no relevant County Planning history for this site. The most recent Wealden District Council planning permission for the site was granted in September 1987 for the change of use of an existing coal storage bay to storage of liquid propane gas cylinders (WD/1987/2344/F).

#### 4. Consultations and Representations

4.1 Wealden District Council – Initially objected to the planning application pending further information regarding its potential impacts on residential amenity, based on the recommendations of the Council's Environmental Health Officer. The proposal has since been amended, and the objection from the Environmental Health Officer is considered to have been removed. Therefore it is considered that the objection from Wealden District Council has also been resolved.

The Council considered that, should this application be approved, appropriate traffic routing should be secured and planning conditions should be imposed to control impacts on residential and visual amenities. The Council have also requested confirmation that Habitats Regulation Assessment screening has been undertaken by the County Council to assess whether the proposal requires an Appropriate Assessment in respect to its potential to increase trips through the Ashdown Forest SAC, Lewes Downs SAC.

4.2 Environmental Health – Initially objected to the application due to the potential for noise nuisance and loss of amenity to a number of residential premises, both existing and proposed. However, the proposal has since been amended and further information submitted showing a decrease in the noise rating level. Consequently it is considered that the objection has been resolved. The Environmental Health Officer did however express concerns about the materials used in the acoustic enclosures, and recommended the addition of absorption material. Conditions were also recommended concerning noise from machinery, the erection of an acoustic barrier to the northern perimeter should the area to the north of the site be granted planning approval for housing, keeping all doors shut during processing, the use of white noise alarms on vehicles, hours of operation and limits on the size of vehicles using the site.

4.3 Hailsham Town Council – **Strongly object** to the proposal due to the following concerns: the site's proximity to residential areas; the planned redevelopment of Hailsham leading to the site being surrounded by residential areas within 10 years; the impact of the proposal on traffic conditions due to the use of HGVs, the environmental impact of the proposal and health risk to nearby residents, and; the fire risk of the proposal.

4.4 Highway Authority – **No objection**, subject to the imposition of conditions ensuring that no part of the development is occupied until car parking has been provided, and until covered and secure cycle parking spaces have been provided.

4.5 Environment Agency – **No comments received.**

4.6 Representations and Comments –

i. A joint representation was received from the Local Member (Cllr Bowdler) and a neighbouring Ward Councillor (Cllr Fox) who **objected** to the proposal for the following reasons: its impacts on local air quality in the context of other nearby development; the traffic impacts from HGVs accessing the site; the impact of the proposal on the environment and pollution in light of the climate change emergency adopted by Wealden District Council, East Sussex County Council and Hailsham Town Council; the concerns that have been expressed by East Sussex Fire and Rescue Service over the application, and; the adverse effect of the proposal on the redevelopment of Hailsham town centre. The Councillors expressed support for the objection submitted by Hailsham Town Council.

ii. A representation was received on behalf of the promoters of land to the southwest of the application site which has received a resolution to grant planning permission subject to the completion of a section 106 Legal Agreement, for a residential development. The representation **strongly objected** to the proposal as submitted, on the basis that there had been no consideration for the potential impacts on the deliverability of the aforementioned future residential development or the amenity of future residents. The representation recommended that revisions be made to the noise impact assessment to reflect the presence of the future residential development in question, and that full consideration be given to other potential environmental impacts. The residential development in question has since been identified in updated versions of the Noise Impact Assessment, but no further comments have been received from the site promoters. Concerns were also raised about the assessment of traffic movements made as part of the application.

iii. Comments were received from the East Sussex Fire and Rescue Service, highlighting the fire risk at this type of facility; however, no objection was made on planning grounds. It is considered that, were planning permission to be granted, fire risk would be managed onsite through the requirements of the Environmental Permit.

## **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 (Turning Waste into a Resource), WMP5 (Provision of Built Waste Facilities to Ensure Net Self-Sufficiency), WMP7a (Sustainable Locations for Waste Development), WMP7b (More Detailed Criteria for Waste Development), WMP25 (General Amenity) and WMP26 (Traffic Impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Policies SP2 (Areas of Opportunity on Previously Developed or Allocated Land) and SP5 (Existing Industrial Estates).

5.3 Wealden Local Plan 1998: Saved Policies EN27 (Layout and Design of Development), TR3 (Traffic Impact of New Development) and TR10 (Heavy Goods Vehicles).

The Wealden District Core Strategy Local Plan, adopted on the 19<sup>th</sup> February 2013, replaces parts of the Wealden Local Plan 1998. Policies in the Wealden Local Plan 1998 that are not replaced are considered 'saved' and remain of relevance until they are superseded by further Development Plan documents.

Wealden District Council has not formally determined whether the Saved Policies in the Wealden Local Plan 1998 are in general conformity with the NPPF. However, the County Planning Authority considers Saved Policies EN27, TR3 and TR10 to be in general conformity with the revised NPPF (February 2019).

5.4 National Planning Policy Framework 2019 (NPPF):

The NPPF sets out the Government's planning policies for England and how they should be applied. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Part 12 (Achieving well-designed places) is relevant to this application.

5.5 National Planning Policy for Waste 2014 (NPPW):

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**

### **Principle of the Development**

6.1 Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 states that proposals for the management of waste shall be permitted which are able to demonstrate that the waste to be managed cannot reasonably be managed by a process which is further up the waste hierarchy, and that the proposed process is an option which delivers the best overall environmental outcome. Policy WMP5 of the same Plan sets out provision for a sustainable network of waste recycling, composting and recovery facilities in the Plan Area, and gives indicative targets for recycling and recovery capacity. Policy WMP7a of the same Plan states that sites for additional waste recycling and recovery facilities should be sought within the broad Areas of Focus identified in the Plan. The Policy also states that proposals should demonstrate how they will balance the need to be located close to waste arisings, moving waste management up the waste hierarchy, and minimising adverse impacts on communities and the environment. Policy WMP7b of the same Plan states that preference will be given to proposals for waste management development on general industrial land including general

industrial estates, previously developed land or land already in waste management uses.

6.2 Policy SP2 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 states that waste management development will be supported, subject to other policies, on suitable land within identified areas of opportunity. Policy SP5 of the same Plan states that proposals for waste management development located on existing industrial land will be supported in principle where it is shown that, *inter alia*, there is a demonstrable need for additional waste capacity in the Plan Area, the proposed use would be compatible with neighbouring uses, there would not be an unacceptable detrimental impact on residential amenity and the impact of increased traffic would not be unacceptable. Policy SP5 is considered relevant to the proposal as the site is on an existing industrial estate; however, the proposal's effects on residential amenity and traffic will be considered in subsequent sections under the Development Management policies (Policies WMP25 and WMP26 of the Waste and Minerals Plan 2013, and Saved Policies EN27, TR3 and TR10 of the Wealden Local Plan 1998) and the NPPF.

6.3 The proposed tyre recycling facility would import approximately 5,000 tonnes per year of end-of-life tyres, and turn them into value added product for onward sale. Tyres which are in good enough condition would be stored onsite and sent to be reused. The only material that would not be processed onsite would be the ferrous wire inside the tyres which would be baled for waste transfer. Recycling and reuse are the highest placed waste management processes in the waste hierarchy, and are considered to provide a better environmental outcome than other methods of waste management such as energy recovery or landfill. Furthermore, the proposal would contribute to meeting targets for recycling capacity identified in the Waste and Minerals Plan. The proposal is therefore supported by Policies WMP3b and WMP5 of the Waste and Minerals Plan 2013.

6.4 The site is part of an existing industrial and commercial estate in the southern part of Hailsham, which also contains the Hailsham HWRS and the Swan Barn Business Centre. The site was previously used as a coal storage and distribution facility, and is therefore on existing industrial land. The site is considered to be within one of the broad Areas of Focus for strategic waste recycling and recovery facilities identified in the Waste and Minerals Plan. It is also identified as an area of opportunity for waste development, subject to other considerations including residential amenity and visual impact, under Waste Site Profile SP-O/H Station Road/Old Swan Lane Industrial Estate in the Waste and Minerals Sites Plan. The proposal is therefore considered to comply with Policies WMP7a and WMP7b of the Waste and Minerals Plan 2013, and Policy SP2 of the Waste and Minerals Sites Plan 2017. Hence, the principle of the proposed development is supported.

## Effects on Amenity

6.5 Policy WMP25 of the Waste and Minerals Plan 2013 states that all proposals should ensure there is no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development, that there is no significant adverse impact on air quality or the local acoustic environment and that adequate means of controlling noise, dust and other emissions generated by the development are secured. Policy EN27 of the Wealden Local Plan 1998 states that developments should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of scale, height, form, noise and traffic movements. The National Planning Policy Framework 2019 (NPPF) requires developments to create places with, *inter alia*, a high standard of amenity for existing and future users.

### i. Noise impacts

6.6 The proposal would generate noise due to the use of shredding, baling and colouring machinery onsite, vehicle movements and the loading and unloading of material. The shredding line would be sited within the existing bays along the western site boundary with Station Road, and would be enclosed with a purpose built steel clad acoustic enclosure to provide mitigation and lessen the noise impacts of the proposal. Colouring would take place within the existing steel sheet building in the northern corner of the site, and baling would take place in the partially enclosed area adjacent to the building. Doors to the acoustic enclosure and the existing building would remain closed during processing. Acoustic barriers up to a total height above ground of 4.1m would be erected behind the shredding line and behind the baler to provide further noise mitigation. Acoustic enclosures would also be installed around the hydraulics and cooling fan of the primary shredder, and around the generator. Processing hours at the site would be within the operating hours of the nearby Hailsham HWRS, so that processing would only occur when the background noise level would most likely be at its highest. Processing would only take place at intervals during these hours, and the applicant has indicated that shredding and baling would not take place concurrently due to limitations on power supply. All other processes could take place concurrently. The applicant has submitted a Noise Impact Assessment to accompany the application, which sets out the background noise levels for the site, provides calculations of predicted future site noise levels and provides a noise assessment using BS 4142:2014 ('Methods for Rating and Assessing Industrial and Commercial Sound').

6.7 The site has a historic use as a coal yard, which was an industrial process that would have generated noise. The site is within an existing industrial and commercial estate which also contains the Hailsham HWRS, and which is identified as an area of opportunity for waste management development in the Waste and Minerals Sites Plan. However, it should be noted that the context of the site has changed since its historic use as a coal yard, with a proposed new residential development to the southwest. As this

application is for a change of use which would introduce a new noise source into the local acoustic environment, it is considered that its effects on residential amenity should be given significant weight in the determination of this application.

6.8 The nearest noise-sensitive receptors to the site are identified as the residential properties along Station Road approximately 130m to the northwest, the Swan Barn Travellers Site approximately 140m to the south and the Butts Field housing estate approximately 150m to the north. An outline planning application for the development of up to 400 houses to the southwest has been granted planning permission subject to a Legal Agreement. It is understood that the housing would be approximately 120m from the site boundary. Given that a clear resolution has been made by Wealden District Council on the site to the southwest, the impact upon the residential amenity of this development does need to be considered. The land directly to the north east of the site is subject to an outline planning application for 140 houses. It is understood that the housing line identified in the outline planning application would be approximately 40m from the northern perimeter of the site. However, as this application has yet to be determined and considering that the land does not benefit from any development plan allocation, it would be unreasonable for this proposal to assess and plan for the residential amenity of the proposed residential development (were this application to be approved by the County Planning Authority, Wealden District Council would need to give the planned use of the site due consideration when considering the application for the residential development).

6.9 Taking the proposed mitigation identified at paragraph 6.6 into account, the Noise Impact Assessment provides rating levels for the individual noise-generating activities onsite, together with rating levels for concurrent activities. The Assessment indicates that shredding of material concurrent with colouring, housekeeping and deliveries would be the loudest set of activities onsite. Noise rating levels for these concurrent activities are calculated as being at least 3dB below the existing background noise level at all existing noise sensitive receptors, and 5dB below background noise level at the future residential development to the southwest for which planning permission has been granted subject to a Legal Agreement. It should be noted that these ratings are based on the predicted reasonable worst case 1-hour period of operations, with corrections made for machinery that would not be used for the full hour, in line with methodology set out in BS 4142:2014. Due to the nature of the processes onsite, the noise generated through the proposal would have intermittent and impulsive characteristics which would make it more noticeable than a steady noise source. However, given the location of the site within an existing industrial and commercial estate near to the existing Hailsham HWRS, it is not considered that the noise generated would be out of character with the area. Overall, it is not considered that the proposal would have an unacceptable effect on the amenity of existing residents, or residents of the future development to the southwest.

6.10 Although processing would be limited to the hours of operation of the HWRS, there are still proposed to be vehicle movements and housekeeping

activities at the site outside of these hours. As the background noise level would be lower during this period (07:00-08:00am), noise from the site would be audible, and may have an adverse impact on the amenity of the closest residential properties. However, in the context of the industrial and commercial estate, and of the existing permitted use of the site as a storage and distribution facility, it is considered unreasonable to restrict the use of vehicles and general housekeeping at the site between these hours.

6.11 It is considered that noise generated by the proposal would have no unacceptable effect on the standards of amenity appropriate to either the established residential areas that are in close proximity to the site or the proposed residential area to the southwest of the site. The proposal therefore complies with Policy WMP25 of the Waste and Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998 and the requirements of Part 12 of the NPPF 2019.

#### ii. Dust impacts

6.12 As the proposal would involve the shredding of tyres, there is the capacity for dust to be generated, comprised of small pieces of rubber and metal wire from inside the tyres which could become windblown and spread beyond the site boundaries. The applicant has submitted a Dust Emissions Management Plan to accompany the application, which details measures to prevent and control dust onsite. The site would also be subject to an Environmental Permit issued by the Environment Agency which would cover the management of dust from the perspective of pollution control.

6.13 The shredding line would be enclosed, and all conveyors and chutes used in the processing of material would be covered. Material would be deposited into bulk bags by conveyor outside of the enclosed area, which would then be sealed for storage or onward distribution. Suppression sprays would be used to dampen the material in order to further reduce the capacity for windborne dust. Any residual dust would be unlikely to spread beyond the 2.3m concrete walls which border the site to the north, south and west. The eastern boundary is demarcated with palisade fencing, which could allow dust to spread in this direction. The prevailing wind direction from the site is to the north east, meaning that there is the potential for windblown material to be carried into the fields that are subject to a planning application for a residential development. However, given that the application has yet to be determined and that the land does not benefit from any development plan allocation, it is considered unreasonable for this proposal to assess and plan for any mitigation necessary for the proposed residential development. In addition, there is no evidence to suggest that any dust entering these fields would be to the detriment of the fields themselves.

6.14 Overall, given the dust management measures in place, it is considered unlikely that significant amounts of dust would spread beyond the site boundaries. It is therefore considered that adequate means of controlling dust have been provided, in accordance with Policy WMP25 of the Waste and Minerals Plan 2013.



## Visual Impact

6.15 Although the proposal is for a change of use and would not involve the erection of any new buildings, due to the height of the machinery that would be used onsite and the acoustic barriers and enclosures that would be provided, the visual impact on the locality is still a consideration in the determination of this application. Shredding equipment would be sited in the yard within a purpose built enclosure which would be a maximum of 4.2m in height. An acoustic barrier 4.1m in height would be affixed to the western perimeter wall, and behind the baler which would be sited within an existing partially enclosed area in the northern part of the site. Public views across the site are limited to views from Station Road and Swan Barn Road. The site is well screened by mature vegetation from Station Road, and partially screened from Swan Barn Road by the 2.3m concrete walls, palisade fencing and a gate at the eastern end of the road. In the context of the industrial and commercial uses on the estate it is not considered that the proposal would have a negative effect on public views from Swan Barn Road.

6.16 The land directly to the northeast of the site is subject to an application for residential development, and there would be clear views from this land through the existing palisade fencing were the site to be developed. As stated in Paragraph 182 of the NPPF, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Given this, and given that the application for this land has yet to be determined and that the land does not benefit from any development plan allocation, it is considered that it would be unreasonable to give weight to the visual amenity of future residents of the proposed development. Notwithstanding this, given the appearance of the site at present, and the industrial character of the immediate surroundings, there would not be considered to be an adverse impact on the visual amenity from this proposal from the land to the northeast, irrespective of whether or not it is developed for housing. Overall, in the context of the existing industrial and commercial estate it is considered that the proposal would have a minor impact on views and local landscape character, and would not have an unacceptable effect on visual amenity, in accordance with Policy WMP25 of the Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

## Traffic, Access and Parking

6.17 Policy WMP26 of the Waste and Minerals Plan 2013 states that proposals will be permitted where, *inter alia*, access arrangements are suitable for the volume and nature of traffic, the level of traffic generated would not exceed the capacity of the road network, and there are suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas. Saved Policy TR3 of the Wealden Local Plan 1998 states that planning applications for new development will be permitted where, *inter alia*, the proposed development does not create or perpetuate unacceptable traffic conditions. Saved Policy TR10 states that development proposals which

would have a detrimental impact on the environment by reason of a material increase in the generation and attraction of heavy goods vehicles within villages and along unsuitable country roads will be resisted.

6.18 Access to the site is from Swan Barn Road, which connects with Station Road and also serves the HWRS and the other units on the industrial and commercial estate. Station Road is a single carriageway country road, but it connects with the B2104 to the south via Saltmarsh Lane, approximately 1.1 miles from the site. The proposal would generate an estimated maximum of 18 vehicle movements a day (9 into and 9 out) for inputs of waste tyres into the site by 3.5 tonne trucks. There would also be an additional 6 HGV movements per week to collect the bagged crumb, baled tyres and baled steel produced onsite. The applicant has indicated that HGVs and other large vehicles accessing the site would be routed so as to approach from the south of Station Road, thereby avoiding the existing residential area to the north where on-street parking restricts the carriageway width.

6.19 The total volume of traffic generated by the proposal is considered to be relatively low in the context that the site has an established industrial use, and that, therefore, in planning terms it already generates vehicle movements. The site also forms part of an existing industrial and commercial estate which already generates a number of HGV movements. In addition, HGVs already use Swan Barn Road to access the HWRS, and therefore the principle of vehicles of this type using the access road is already set. The junction with Station Road is considered to have sufficient width and radius to safely accommodate HGVs and other large vehicles. While there would be an increase in HGV movements as a result of the proposal, given that it would not be a large increase, and given that HGVs would be routed so as to approach from the south of Station Road the volume and nature of the traffic generated by the proposal is considered to be suitable for the site access and the local highway network.

6.20 The site proposes to employ 10 full-time equivalent members of staff; however, information on staff vehicle movements has not been provided. There would be parking space for 8 vehicles onsite, including one disabled bay; therefore, it is possible that at some times there would not be sufficient parking within the site for all employees. However, additional parking is available immediately outside the site on Swan Barn Road, with overspill parking available in the Swan Barn Business Park Car Park. There would also be secure cycle parking provided within the building in the northern corner of the site. It is considered that there is ample space in the central part of the site for the manoeuvring, loading and unloading of vehicles onsite including HGVs.

6.21 Given the suitability of the site access, the volume and nature of traffic that the proposal would generate and the vehicle parking, manoeuvring, loading and unloading arrangements onsite, it is considered that the proposal complies with Policy WMP26 of the Waste and Minerals Plan 2013 and Saved Policies TR3 and TR10 of the Wealden Local Plan 1998.

6.22 As part of the determination of this application, the County Council has undertaken Habitats Regulation Assessment screening, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), in order to determine whether the application requires an Appropriate Assessment due to the effects of traffic generated by the proposal on the Ashdown Forest SAC and Lewes Downs SAC sites. The application site is approximately 9.1 miles from the Lewes Downs SAC and 13.6 miles from the Ashdown Forest SAC. End-of-life tyres would be imported into the application site from locations throughout Sussex and from further afield, therefore there is the potential for some of the traffic generated by the proposal to cross the Ashdown Forest SAC and pass near to the Lewes Downs SAC. However, this would only be a small proportion of what is considered to be a relatively low level of traffic generated by the proposal. Considering this, and considering that vehicle movements can already be attributed to this site that could similarly pass across/near to the SACs, the County Council has determined that the proposal would not have a significant effect on the Ashdown Forest SAC and Lewes Downs SAC, and that an Appropriate Assessment is therefore not required for this application.

## **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 a change of use of a former coal yard to a tyre recycling and crumb and bale production facility. The site is on existing industrial land that was previously developed, and is within an industrial and commercial estate. It is considered to be within an Area of Focus for waste development in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, and is identified as an area of opportunity in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017. While the proposal would generate noise, it is considered that sufficient mitigation has been provided in order to ensure that there would be no significant adverse effect on the amenity of existing residential areas in close proximity to the site, or on the proposed residential area to the southwest. It is considered that sufficient measures have been put in place to control dust. It is considered that the proposal would have a minor visual impact on the local area, given the lack of public views of the site. The proposal is also considered to be acceptable in terms of its generation of traffic, its access arrangements and the parking arrangements onsite. As such, the proposal is considered to comply with Policies WMP3b, WMP5, WMP7a, WMP7b, WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policies SP2 and SP5 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017, Saved Policies EN27, TR3 and TR10 of the Wealden Local Plan 1998 and the relevant provisions under Part 12 of the National Planning Policy Framework 2019. Therefore, the application is recommended for approval subject to conditions.

7.4 In determining this planning application, the County Council has worked with the 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.

7.5 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 and documents listed in the Schedule of Approved Plans.

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

3. No processing of material by shredding, baling, colouring or any other means shall take place except between the hours of 08.00 and 16.00 Mondays to Fridays inclusive between October and the end of March, between 08.00 and 17.00 Mondays to Fridays inclusive between April and the end of September and between the hours of 09.00 and 13.00 on Saturdays year-round, and no such works shall take place on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To protect amenity in 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.

4. Subject to Condition 3, no activities associated with the development hereby approved shall take place except between the hours of 07.30 and 17.30 on Mondays to Fridays inclusive and 09.00 and 13.00 on Saturdays and at no time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To protect amenity in 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.

5. No machinery or plant other than two shredders, conveyors, two shakers, one baler, forklift moving trucks and one mixer shall be installed or operated at the site without the prior written approval of the Director of Communities, Economy and Transport.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and in the interests of the amenity of 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.

6. No waste materials other than tyres and materials extracted from tyres shall be deposited, stored or processed at the site.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development.

7. There shall be no processing of material other than baling of tyres by any means at the site outside of the enclosed areas as set out in the Proposed Site Layout Plan in Appendix 1 of the Supporting Statement V1.5 (dated 19 February 2020).

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

8. No operations hereby permitted shall take place prior to the erection of acoustic barriers and acoustic enclosures as specified in the Anderson Acoustic Noise Impact Assessment (reference: 4274\_001R\_12-0\_AG) dated 28 January 2020. The acoustic barriers shall be installed atop the western perimeter wall adjacent to the shredding line and atop the bay wall adjacent to the warehouse building to an overall height of 4.1 metres, and the shredding line shall be fully enclosed as specified. Thereafter the acoustic barriers and acoustic enclosures shall be maintained in accordance with the approved details for the duration of the development.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site 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. Following the commencement of the development hereby permitted, the rating noise level at the site shall, at all times, be below the existing

background LA90 value noise level at all existing noise sensitive receptors, as determined and reported in accordance with BS 4142: 2014+A1: 2019 (Methods for rating and assessing industrial and commercial sound).

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site 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.

10. Within three months of the commencement of processing activities (including shredding and baling), a noise survey shall be undertaken in accordance with BS 4142: 2014+A1: 2019 (Methods for rating and assessing industrial and commercial sound) and the results submitted to and approved in writing by the Director of Communities, Economy and Transport. The Survey shall:-
  - a) demonstrate whether the noise levels required by condition 9 are being achieved;
  - b) if the survey does not demonstrate such compliance the report must include measures to reduce noise, which shall first be agreed in writing by the Director of Communities, Economy and Transport, such that the noise levels required by condition 9 will be met;
  - c) These measures shall be implemented within a time period to be agreed by the Director of Communities, Economy and Transport, and compliance shall be demonstrated by a further noise survey, which must be submitted to and agreed in writing by the Director of Communities, Economy and Transport within a further 3 months of the measures being implemented.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site 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.

## INFORMATIVES

1. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Pollution Control Team of the Environmental Health Department at Wealden District Council.
2. For the avoidance of doubt, any monitoring undertaken of noise levels from the site activities will need to take into consideration all operations, including all processing activities, vehicles accessing the site and housekeeping.

Schedule of Approved Plans

Location Plan SK 03, Dust Emissions Management Plan V1.1, 4274-001R-12-0-AG - Noise Impact Assessment, PL01 A - Enclosure Elevations, Supporting Statement - Feb 2020 V 1.5, Revised Block Plan SK 02

RUPERT CLUBB

Director of Communities, Economy and Transport

2 March 2020

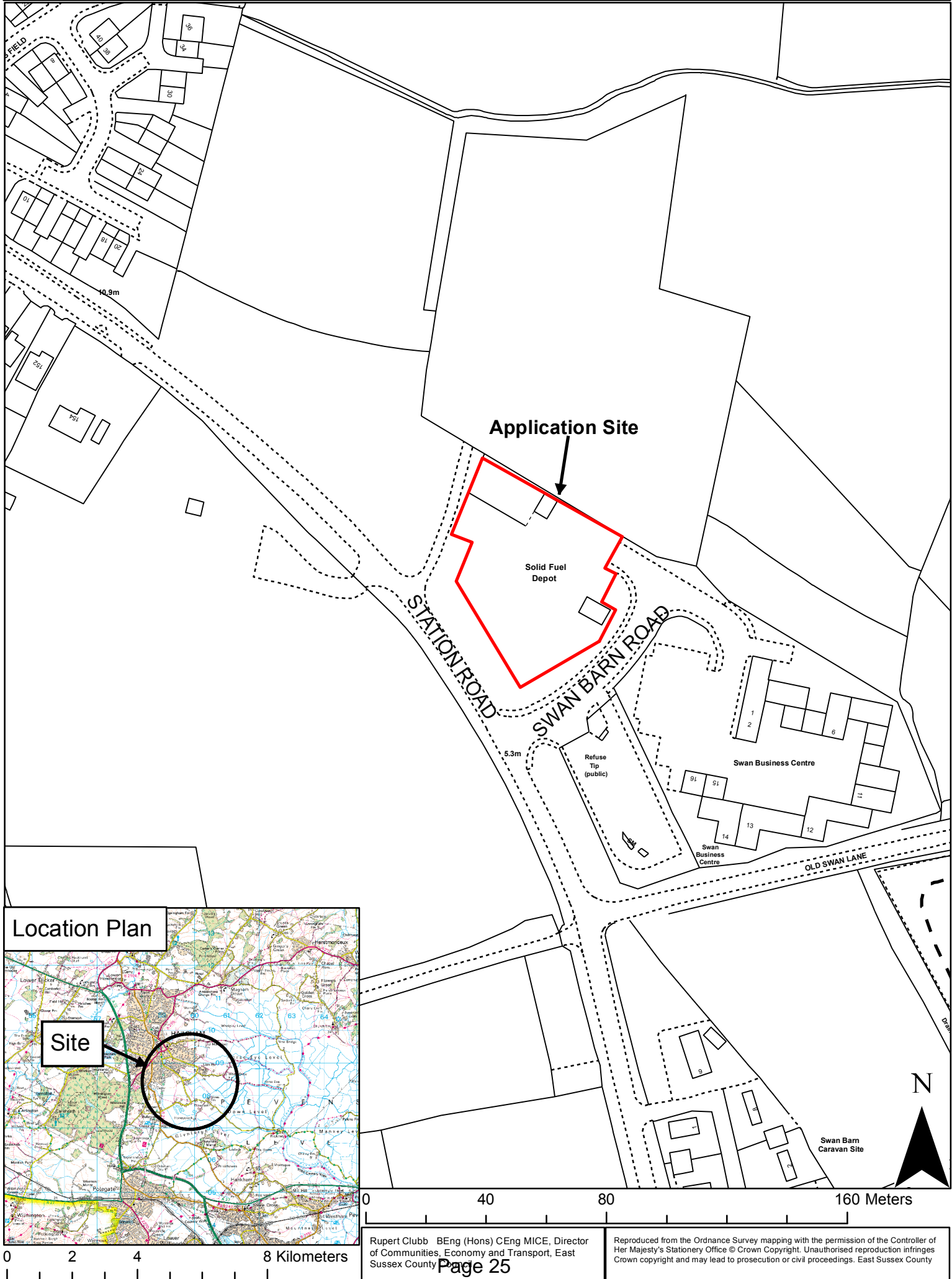
**BACKGROUND DOCUMENTS**

Application File WD/831/CM

The Development Plan

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