

Committee: **Regulatory  
Planning Committee**

Date: **8 March 2017**

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

Proposal: **Demolition and replacement of existing waste transfer station building to enable continued use of site as a waste transfer station**

Site Address: **Unit 3, Cradle Hill Industrial Estate, Cradle Hill Road, Seaford, BN25 3JE**

Applicant: **Mr Martin James, James Waste Management LLP**

Application No. **LW/786/CM**

Key Issues:           (i)     **Purpose of development**  
                             (ii)     **Effect on amenity**  
                             (iii)    **Effect on Seaford Town Cemetery**  
                             (iv)    **Traffic Impact**  
                             (v)     **Drainage**

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

Local Member:       **Councillor Carolyn Lambert**

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## **SUMMARY OF RECOMMENDATIONS**

**1.     The Committee is recommended to refuse planning permission for the reasons set out at 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 located in the southern part of the Cradle Hill Industrial Estate, an established industrial area on the north-eastern outskirts of Seaford and within the development boundary. The boundary of the South Downs National Park (SDNP) is about 220 metres to the north and east of the site. The application site itself includes an existing waste transfer station (WTS), which operates from an industrial unit (Unit 3) with associated vehicular parking and access space.

1.2 The WTS building is accessed from the northern part of the premises and there is an access driveway and vehicle waiting area adjoining the north side of the building. There is a car parking area in front (to the west) of the building and pedestrians can access the building from this side. A further area of hardstanding lies to the south of the building, which is not permitted to be used as part of the WTS, except for allowing additional access for pedestrians.

1.3 Further industrial units are located to the north and north-east of the application site and across the relatively narrow Estate road to the west and north-west. The adjacent Unit 4 is to the north of the application site and is occupied by an electrical company. Unit 2 to the south-west of the application site is occupied by a firm of Funeral Directors, which includes a chapel of rest, and a Fire Station is located further to the south-west. Seaford Town Cemetery is situated to the south and east and residential properties are to the south-east and south-west. The closest residential property is 17 Kammond Avenue, which is about 30 metres east of the application site, although the distance from the western corner of its garden to the site is about 8 metres.

## **2. The Proposal**

2.1 The applicant has submitted this planning application following the refusal of planning application LW/754/CM (see paragraph 3.4 below). According to the applicant, although the proposal is materially the same as the previous application, certain aspects of the design have been amended in an attempt to address the reasons for refusal.

2.2 The applicant proposes to demolish the existing building and replace it with a new building, which it considers would facilitate easier and safer access, maximise internal space for more effective working and create a safer working environment. The new building would be steel framed and would cover most of the site. It would be sunk into the ground to a depth of 1.5 metres and its height at roof pitch would be 10.01 metres above the existing ground level, with the height of the eaves at 8.03 metres. This compares to the highest part of the existing (rear) building being about 7.5 metres, with the front part of the building being just over 6 metres high. The internal layout of the building would include the installation of storage bays, a sorting area and a weighbridge, although these areas are not depicted in the application. Access by vehicles would be via roller shutter door on the south-west elevation of the building. Pedestrian access would also be from the south-west, as well as from the south-east and north-east elevations. The total floor area of the new building would be 1,200 square metres compared to 900 square metres of the existing building, amounting to a 33% increase. A new retaining wall would be constructed along the north-east boundary and a six metres high screen fence would also be erected on this side of the building. Tree planting is proposed on the north-east side of the site, which would extend along the south-eastern boundary.

2.3 Overall, the WTS operation would retain the current management of waste primarily from the applicant's skip hire operation, although some materials would continue to arrive from external sources, such as building contractors or local waste removal companies. Waste materials are delivered to the site, typically by skip trucks, Roll-on Roll-off trucks and tipper trucks. Each incoming delivery vehicle would be weighed and all accepted loads would be stockpiled in the sorting area. A telehandler and digger would sort the waste, which would then be stored in bays. Up to 75,000 tonnes of waste per annum (tpa) is proposed to be managed at the site, compared to the existing 20,000tpa. Parking would be retained at the front and side roads to the WTS, while allowing access off the Estate road through the roller shutter door. It is anticipated that lorries would park in the building, presumably overnight only. The proposed hours of operation would be between 0700 – 1700 Mondays to Fridays and 0800 – 1300 on Saturdays. The number of employees is proposed to increase from 13 to 20.

### **3. Site History**

3.1 Planning permission was granted in 2009 (ref. LW/581/CM) for a change of use from a disused storage unit to a WTS. Later in the same year, permission was granted (ref. LW/602/CM) for a variation to Condition 4 of permission LW/581/CM to allow the storage of empty skips outside the building on its northern side. In 2011, permission was also granted (ref. LW/652/CM) for a change of use of an adjoining building to the WTS, which forms part of Unit 3, from a disused storage area to an extension of the existing WTS.

3.2 In 2012, an application was withdrawn (ref. LW/696/CM) for the variation of Conditions 5 and 8 of permission LW/652/CM to allow storage of empty skips in the yard to the south of the building, together with alterations to the main site entrance and the construction of metal fencing and gates at the front of the site (retrospective) and also the proposed use of a telehandler inside the building to help with the loading and unloading of waste.

3.3 Planning permission was granted in 2013 (ref. LW/711/CM) for alterations to the main entrance and the construction of metal fencing and gates at the front of the site (retrospective) and the use of a telehandler inside the building to help with the loading and unloading of waste.

3.4 A planning application (ref. LW/754/CM), relating to a similar proposal to the current proposal, for the continued use of the site as a WTS involving the demolition and replacement of existing building and ancillary works, was submitted in 2015. This application included proposals for a new building standing at 12.2 metres in height, which would accommodate a mezzanine floor to contain a staff room and office. The total floor space amounted to 1,316 square metres in area. The application was refused planning permission in January 2016 for four reasons, including the potential for adverse effects on amenity and to the setting of the Seaford Town Cemetery.

## 4. Consultations and Representations

4.1 Lewes District Council, as local planning authority, has not submitted any observations.

4.2 Seaford Town Council resolves to support the application on the basis that the proposed building would lead to amenity improvements in the operation of the site and enable greater control of noise and odour nuisance; and that its appearance compared to the current 'basic' and outdated structure would help to mitigate any adverse impact on neighbouring land and property from the increase in height. Planting is recommended by condition if planning permission is granted.

4.3 The Highway Authority raises no objections but notes that there is no provision for parking at the site. Therefore, it is recommended that as the industrial estate is already heavily parked, off street parking should be provided and be formally marked out following details to be submitted and approved by condition.

4.4 The Environment Agency notes that the planning application provides confidence that it will be possible to suitably manage the risk posed to controlled waters by the development, subject to the inclusion of conditions on any permission relating to: (i) The submission of a remediation strategy to deal with the risks associated with the potential contamination of the site; (ii) Controlling disturbance to the aquifer through piling or other foundation treatment; and (iii) The submission of a verification report demonstrating the completion of the works set out in the approved remediation strategy. It is also recommended that the applicant follows various model procedures and good practice in undertaking the development.

4.5 ESCC Flood Risk Management notes that the application states that surface water runoff will be managed through connection to a public sewer as per the existing situation. Records indicate that there are only foul sewers in the vicinity of the site, although if a connection already exists it will be for Southern Water to comment. Therefore, no objections are raised, subject to Southern Water agreeing to a connection to the public sewer. However, if Southern Water does not agree, the applicant should be aware that relevant geological data shows the site to have significant potential for more than one geo-hazard, which could be made worse by infiltration. If infiltration is proposed, it should be supported by extensive geotechnical investigations on its feasibility and its impact on ground stability.

4.6 Southern Water requires an application for a connection to the public foul sewer to be made by the applicant to manage foul water. However, as there appears to be no public surface water sewers in the area to serve the development, alternative means of draining surface water would be required.

4.7 Councillor Carolyn Lambert (Local Member) raises concerns on the following matters: (i) There have been complaints over a number of years from residents, in particular from Valley Drive and Quarry Lane, regarding the

use of HGVs, including those of the applicant, travelling along these narrow residential roads; (ii) The proposed building is 2.5 metres higher than the existing and is out of scale with the industrial estate and will dominate the visual aspect from the surrounding residential roads and Cemetery. The Estate is located awkwardly with access via the narrow Cradle Hill Road. The amenity relating to the use of Seaford Cemetery and residential roads, including Kammond Avenue, must be considered; and (iii) The use of larger lorries and a larger site will raise noise levels and create disturbance in the area.

4.8 Representations: Nine representations have been received raising concerns or objections to the proposed development, six from residents and three from businesses within the Estate. A further representation was received from a resident but referred to a different site. The objections can be summarised as follows:

The occupier of the nearest residential property (17 Kammond Avenue) and her daughter (from a separate address) object to the proposal on the grounds that: (i) The size of the new building would be inappropriate for this area as it is much larger than other buildings on the Industrial Estate. The garden of 17 Kammond Avenue is only separated from the application site by the narrow Cemetery road. The new building would visually dominate the residential area; and (ii) The increase in noise levels and pollution generated from both the activities on site and the movement of traffic will adversely affect residential amenity and the amenity of users of the Cemetery.

Two residents welcome the growth of local business but object to HGVs using residential roads such as Quarry Lane and Valley Drive as a shortcut, which causes damage to them. The use of such roads should be controlled. The other two residents also object to the use of local roads by HGVs noting that the local infrastructure cannot support this type of proposal and that the Alfriston Road and A259 should be used instead.

The business at the adjoining Unit 2, which is occupied by Dignity Funerals Ltd, objects on the following grounds: (i) There are already significant vehicle parking problems with the existing use of the site. The increase in the number of employees, the intensification of use and the loss of parking spaces will significantly intensify this problem. No information is submitted with the application that provides any empirical evidence of the likely increase in the number of vehicle movements and how parking will be provided to accommodate them. There will be a significant reduction in the amount of hardstanding and parking opportunities as a result of the increased amount of development on the site. The parking arrangement is a significant material consideration and should be determined through the planning application, not at a later stage. A Transport Statement should have been submitted; (ii) The existing development causes significant levels of disturbance due to noise, dust and odour. No noise assessment has been submitted and no information has been provided on how much noise would be generated or how it could be mitigated. There are existing problems with dust at the site, which will continue with the new development resulting from vehicle movements and

emissions from loads. The adverse effects of congestion and noise are shared by Dignity's clients; and (iii) The new building is significantly greater in scale than the one it would replace and have an over bearing impact on the adjoining Cemetery and on the Chapel. No heritage assessment has been submitted to assess the impact. The proposed development is inappropriate in the context of its surroundings.

The business at the adjoining Unit 4, which is occupied by Brighton Electrical Assemblies Ltd, objects on the following grounds: (i) The size of the new building is not appropriate for this location, as it is much larger than other buildings; (ii) The road is not able to cope with the size and type of vehicles using the WTS. On site parking would be required, which has not been addressed; (iii) The current noise levels are unacceptable and the increased vehicle movements and operational activities will only add to it; and (iv) Drivers of lorries from the existing WTS drive and park on the pavements and the road is covered with mud and debris which affects drainage.

The business at Unit 10, which is occupied by R & S Motors, objects on the grounds that any expansion of the building will leave no room for the parking of lorries and would lead to more HGVs coming onto the Estate. It is a small estate and the nature of a WTS is unsuitable. In recent years, the Estate has been blighted with large HGVs, as evidenced by the footpath and curbs that are broken and any increase would be further damaging.

## **5. The main 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: WMP3b (Turning Waste into a Resource); WMP3d (Minimising & Managing Waste During Construction, Demolition & Excavation); 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 for Built Waste Facilities); WMP23b (Operation of Sites); WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP27a (Environment & Environmental Enhancement); WMP28a (Flood Risk).

5.2 Lewes District Local Plan 2003: Saved Policy ST3 (Design, Form & Setting of Development).

Lewes District Council undertook a review of its Saved Local Plan Policies (2007) to determine their consistency with the NPPF (2012) and produced a table indicating the extent to which the policies are fully consistent, partly consistent or not consistent. Saved Policy ST3 is considered to be fully consistent with the NPPF and remains part of the Development Plan post adoption of the Core Strategy (see below).

5.3 Lewes District Joint Core Strategy 2016: Core Policy 11 (Built & Historic Environment and High Quality Design).

Core Policy 11, regarding the Built Environment and High Quality Design, makes reference to safeguarding historic assets and is relevant in this case.

5.4 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, February 2017: Map 53 SP-WCA/AI, Seaford HWRC and Unit 3, Cradle Hill Industrial Estate, Seaford.

5.5 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan Schedule of Suitable Industrial Estates, February 2017: I/L Cradle Hill Industrial Estate, Cradle Hill Road, Seaford.

5.6 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 NPPF policies so far as relevant. Parts 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change) and 12 (Conserving and enhancing the historic environment) are relevant in this case.

5.7 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 The Waste and Minerals Plan supports, in principle, development that accords with the principles of the waste hierarchy (Policy WMP3b), is located in Areas of Focus (Policy WMP7a) and is located on sites within which the operational capacity can be increased (Policy WMP22). Proposals also need to demonstrate that waste is minimised during construction and demolition works (Policy WMP3d) and that a working programme accompanies the proposed operation (Policy WMP23b).

6.2 The application site is currently used as a WTS and is within an Area of Focus. As such, it is safeguarded in the Waste and Minerals Plan under Policy WMP6 and accords with Policy WMP7a. The site is also identified in the Waste and Minerals Sites Plan for waste management purposes and Cradle Hill Industrial Estate is also identified in the Waste and Minerals Sites Plan Schedule of Suitable Industrial Estates for waste uses.

6.3 The proposal is for the continued use of the site as a WTS, primarily centred on the applicant's skip hire business. It also involves the demolition of the existing building and the erection of a new building to accommodate the WTS use. Waste would be brought to the site and sorted into different waste

streams before being bulked up and transferred to other facilities. The new building would provide for greater floor space and vertical handling space so that the management of waste could be undertaken more efficiently, compared to the existing arrangement. As such, the proposal complies, in principle, with Policies WMP3b and WMP22 of the Waste and Minerals Plan.

6.4 The applicant has set out in outline how the WTS would operate, thereby according with Policy WMP23b, although has not demonstrated how waste resulting from the demolition of the existing building and construction of the new building would be managed and minimised in accordance with Policy WMP3d. However, in terms of the latter, this could be addressed by condition, if planning permission was granted.

6.5 Overall, the proposed development accords, in principle, with waste management policies in the Waste and Minerals Plan.

### **Effect on amenity**

6.6 Policy WMP25 of the Waste and Minerals Plan requires, inter alia, that proposals should have no unacceptable effects 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 there is adequate means of controlling noise, dust, litter and odours, including those arising from traffic generated by the development. Saved Policy ST3 of the Lewes District Local Plan requires, inter alia, development to respect the overall scale, height, massing, site coverage, character and layout of neighbouring buildings and the local area; that materials should be appropriate to the character of the local area; that development should respect the amenities of adjoining properties in terms of, inter alia, noise and visual amenities; that development should not result in detriment to the character or the amenities of the area through increased traffic levels; and that appropriate provision for access and parking should be provided.

6.7 Policy WMP23a of the Waste and Minerals Plan requires buildings associated with waste development to be, inter alia, of a scale, form and character appropriate to its location. In urban fringe locations, design should complement the existing scale and built form of the local area and take account of local landscape character and distinctiveness. Part 7 of the NPPF requires development to be of good design and planning decisions should ensure that developments respond to local character and distinctiveness and create a strong sense of place and add to the quality of an area.

6.8 The application is supported by a Landscape and Visual Assessment (LVIA), which considers the potential impacts of the proposal from the surrounding area both on views and to the landscape. The LVIA has concluded that (i) visual effects will only be experienced from receptors close to the development where the scale of building will never be completely mitigated; and (ii) effects to the landscape are very small and are unlikely to change over the life of the development.



6.9 The representations which have been made include objections relating to loss of amenity. The main concerns refer to the size and dominance of the proposed building, noise and dust emissions and increased vehicle use. The proposal has the potential to increase the impact on the locality, as the new building would be 2.5 metres higher than the highest part of the existing building, the footprint of the new building would be substantially increased compared to the existing and the development would result in an overall increase in operational activity at the site.

6.10 Although the application site is located within the Cradle Hill Industrial Estate, it is situated at its southern end, which is on elevated ground compared to land to the north and west of the Estate, as the land slopes down in those directions. The proposed building would be sunk into the ground by 1.5 metres to reduce its overall height, but it would nevertheless represent a substantial structure and would be much larger in relation to its height and bulk compared to other units on the Estate, exacerbated by its elevated position. As such, it is considered that its overall size in this location would be inappropriate and would have a visually dominating effect over other units on the Estate.

6.11 Land adjoining the Estate to the south and east would also be visually affected by the new building, specifically from the Cemetery and nearby residential properties. Consequently and following the refusal of planning permission for application LW/754/CM, the applicant is now proposing additional screening to the north-east boundary through the installation of a 6 metres high mesh screen fence with tree planting, the latter extending to the south-east. While the planting of trees along the south-east boundary could result in some measure of screening in the longer term due to the available space, there is limited space on the north-east boundary. The applicant proposes to construct a retaining wall on this boundary allowing for a gap of 1.6 metres in width between it and the rear of the building to provide space for a walkway. The screen fence would adjoin the retaining wall with a further 1.6 metres wide gap between it and the Cemetery boundary wall. Trees are proposed to be planted within this gap and the applicant also proposes to train climbing plants across the fence for screening purposes.

6.12 However, there are potential difficulties with the practical aspects of the proposed planting and on-going maintenance that have not been adequately addressed within the application. For example, to ensure successful establishment, the planting would need to be maintained for at least three years, preferably five. During this period, all plants that fail would need to be replaced. Once the trees have been planted, the space available to access the area between the wall and the fence would be very restricted, which would make it difficult for operatives to properly manage the area (involving weeding, training the climbers on the fence, adjusting tree ties and stakes and watering individual plants). After three years, the trees would be filling the space and access would be even more difficult to undertake the necessary maintenance. The applicant notes that individual fence panels should be able to be removed to enable maintenance. However, in practice, this would be very difficult to

achieve and totally impractical, as it does not allow for the fact that there would be climbing plants on the fence which would be damaged if the panels are removed.

6.13 Notwithstanding the proposals for screening, the development would result in an immediate change in the form and height of the building, which would break the skyline at a significantly higher level compared to the existing building, thereby producing a dominant structure, which would be out of place in this location. Persons in the Cemetery and from nearby residential premises, particularly at 17 Kammond Avenue, would experience a much more imposing structure compared to the existing, which would have a negative visual effect from these areas where users are seeking tranquillity and relaxation. The overall visual effect of the new building for occupiers of nearby industrial units, users of the Cemetery and nearby residents, would be detrimental and would conflict with Policy WMP25 of the Waste and Minerals Plan and Saved Policy ST3 of the Lewes District Local Plan.

6.14 While an increase in activity at the site would be likely to result in an increase in noise and dust emissions, the proposed building might contain such emissions which are generated within the building. However, the effects of movements of heavy goods vehicles to and from the site will result in continuing noise and dust emissions. The applicant has stated that there would be no significant increase in vehicle movements compared to the existing situation, although this has not been quantified. The increase in anticipated waste throughput from the current 20,000tpa up to 75,000tpa would be likely to result in the potential for a considerable increase. As such, it is likely that the proposal would result in an increase in activity outside the building through vehicle movements and associated turning and waiting, which would result in a corresponding increase in noise and dust. This would be likely to affect the occupiers and users of adjoining units on the Industrial Estate, particularly the Funeral Directors, but it would also affect users of the wider Estate and the adjoining Cemetery and nearby residential properties. This would be likely to lead to a loss of amenity, thereby conflicting with Policy WMP25 of the Waste and Minerals Plan and Saved Policy ST3 of the Lewes District Local Plan.

### **Effect on Seaford Town Cemetery**

6.15 As set out above, Policy WMP25 of the Waste and Minerals Plan requires, inter alia, that 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. Policy WMP27a of the same Plan states that to conserve and enhance the local character and environment, permission will not be granted where the development would have a significant adverse impact on, inter alia, sites recognised for their cultural and historic significance. Policy WMP23a requires that all buildings associated with waste development should, inter alia, be of a scale, form and character appropriate to its location.

6.16 Saved Policy ST3 of the Lewes District Local Plan requires, inter alia, that development should respect the overall scale, height, massing and character of the local area and materials should be of a quality, type, colour and design which is appropriate to the character of the local area. Core Policy 11 of the Lewes District Joint Core Strategy seeks high quality design in new development so that it respects, and where appropriate, positively contributes to the character and distinctiveness of the District's unique built and natural heritage. This Policy also states that historic assets will be safeguarded.

6.17 The NPPF requires local planning authorities to take account of, inter alia, the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications.

6.18 Similar issues apply to the consideration of the effect to Seaford Town Cemetery as to the effect on amenity in the section above. However, as well as the effect on amenity, consideration also needs to be given to the effect on the Cemetery as a heritage asset. Seaford Town Cemetery is the town's municipal burial site and dates from 1897. The older, larger southern part is split between consecrated ground and a dedicated area for the burial of Non-Conformists. The Chapel for services is also located in this part. The Cemetery has been extended to the east and includes smaller landscaped areas for children, Muslims, ashes and cremation memorial tablets. Wall-mounted tablets, or those set in a border, are also present at the northern side of the older part of the Cemetery.

6.19 Although the Cemetery is not designated as a heritage asset, it is nevertheless considered to be one by Lewes District Council, following comments received by that Authority relating to application LW/754/CM. The scale, form and character of the new building are not considered appropriate to its location, as it would have a dominating influence over the Cemetery and would make no positive contribution to the local character and distinctiveness of the District's built heritage. As such, the proposal conflicts with Policies WMP23a, WMP25 and WMP27a of the Waste and Minerals Plan, Saved Policy ST3 of the Lewes District Local Plan and Core Policy 11 of the Lewes District Joint Core Strategy.

### **Traffic impact**

6.20 Policy WMP26 of the Waste and Minerals Plan requires that development should, inter alia, provide for appropriate access arrangements; that there would be no unacceptable impact upon existing highway conditions in terms of traffic congestion and parking; and that there would be suitable arrangements for on site vehicle manoeuvring, parking and loading/unloading areas.

6.21 Despite the applicant stating that there would be no significant increase in vehicle movements, the proposal would allow for an increase in the permitted throughput of waste from the current 20,000tpa up to 75,000tpa,

and it would be likely that associated vehicle movements would increase. Even though, as the applicant notes, larger vehicles might be used, thereby reducing the numbers of smaller vehicles, there is uncertainty that, in reality, the overall numbers of movements would remain unchanged compared to the existing operation. Larger vehicles can have greater impact on amenity and the underlining conclusion is that the proposed scale of increase in throughput could only be achieved with higher traffic movements.

6.22 Furthermore, the proposal would result in the loss of areas of hardstanding, which currently accommodate waiting/parked vehicles. Although the applicant suggests that all heavy vehicles would be able to be accommodated within the building, this situation is unlikely to occur in reality. Rather, it is likely that vehicles would still have to regularly queue outside the building on the road, thereby maintaining existing difficulties. Moreover, the use of larger vehicles would be likely to exacerbate the situation in traffic terms. Vehicle activity outside the building would be likely to continue to result in parking on pavements and lead to congestion on the road, thereby conflicting with Policy WMP26 of the Waste and Minerals Plan, with a corresponding loss of amenity, particularly for the occupiers and users of the adjoining Funeral Directors and Unit 4.

6.23 No details have been provided for staff parking, other than a reference to it being retained at the front and side roads adjacent to the WTS. Given the overall reduction in areas of hardstanding at the site and the proposed increase in the numbers of employees, there could be a difficulty in providing adequate staff parking. Although the Highway Authority requires details of parking for staff to be submitted by condition, if planning permission is granted, sufficient on site provision might not be possible, which would conflict with Policy WMP26 of the Waste and Minerals Plan.

## **Drainage**

6.24 Policy WMP28a of the Waste and Minerals Plan requires proposals to be able to manage surface water drainage and the NPPF requires development to be supported by appropriate measures for drainage.

6.25 The applicant proposes to manage foul and surface waters via the mains sewer. Yet, following consultation with the County Council's Flood Risk Management Team and Southern Water, it appears that the applicant would need to apply, to the latter, to connect to the foul sewer. Moreover, with regard to managing surface water, Southern Water states that this water should not involve disposal to foul sewer. This is because there is limited capacity within the sewer system. Instead, an alternative means of disposal would be required. This could involve infiltration but would require extensive investigations to ascertain whether this drainage method would be appropriate in this location. As such, there is uncertainty as to whether effective measures for surface water drainage could be achieved at the site.

## **7. Conclusion and reasons for refusal**

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 continued use of the site as a WTS and the erection of a replacement building. This approach is supported, in principle, by policies in the Waste and Minerals Plan in terms of managing waste. However, the new building would be significantly larger than the existing and would have a detrimental visual effect on other units on the Estate, including the adjoining Funeral Directors and Chapel of Rest and on the adjoining Cemetery and nearby residential properties. The proposed screening through planting raises doubts as to whether it could be satisfactorily achieved. While some tree planting to the south-east of the site might be successful in the longer term, it would not mitigate the visual harm caused to adjoining uses. Consequently, there would be a conflict with Policy WMP25 of the Waste and Minerals Plan and Saved Policy ST3 of the Lewes District Local Plan. The WTS would increase its throughput of waste, which would be likely to result in an increase in the numbers of vehicles using the site, including larger vehicles, and as a result of a loss of parking/waiting space, would be likely to lead to a corresponding increase in noise and dust emissions, parking on pavements and congestion on the road, which would adversely affect amenity, also contrary to Policy WMP25 and Saved Policy ST3, as set out above.

7.3 The size of the building and the increase in activities would be harmful to the Cemetery as a heritage asset and its use by people seeking peace and reflection, thereby conflicting with Policy WMP27a of the Waste and Minerals Plan and Core Policy 11 of the Lewes District Joint Core Strategy.

7.4 The conclusion in the assessment for this proposal is the same as for application LW/754/CM: that the existing WTS premises remain too small for the current operator but the proposal is too large to be satisfactorily accommodated at this site. Despite the benefits that may occur in terms of managing waste and creating further employment opportunities, it is considered that the proposed development is unacceptable in its impact on amenity and the Cemetery. There is also uncertainty on how surface water drainage would be managed at the site.

7.5 Although the applicant has submitted this application in an attempt to address the reasons for refusal under LW/754/CM through certain changes to the design of the scheme, the proposal nevertheless remains fundamentally the same as the previous proposal. As a result, the material considerations remain the same and following examination of its merits, the proposed development fails to address the previous reasons for refusal. Therefore, the same conclusion can be reached as under LW/754/CM in that, on balance, the application should be refused planning permission.

7.6 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.

7.7 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 refuse planning permission for the following reasons:

1. The proposed building would be of an inappropriate scale and height that would result in a harmful visual effect to the occupiers and users of adjoining units on the Industrial Estate and to the occupiers and users of nearby residential properties and the Seaford Town Cemetery, which would result in a loss of amenity, thereby conflicting with Policy WMP25a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3(a), (c) & (d) of the Lewes District Local Plan 2003.
2. The proposal will be likely to result in an increase in the activities of heavy goods vehicles inside and outside the site, which would result in an unacceptable increase in noise, dust, parking on pavements and congestion of the road, which would be harmful to the occupiers and users of other units on the Industrial Estate and to the occupiers and users of nearby residential properties and the Seaford Town Cemetery, which would result in a loss of amenity, thereby conflicting with Policies WMP25a and WMP26d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy ST3(a), (c) and (d) of the Lewes District Local Plan 2003.
3. The proposed building which cannot be readily screened and the increase in operational activities would be harmful to the setting and use of Seaford Town Cemetery as a non-designated heritage asset, thereby conflicting with Policy WMP27a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Core Policy 11 of the Lewes District Joint Core Strategy Document 2016.
4. The applicant has not demonstrated that an appropriate method for managing surface water drainage can be accommodated at the site, thereby conflicting with Policy WMP28a (e) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and the provisions of Part 10 of the National Planning Policy Framework 2012.

5. The proposal has not demonstrated that it would make a positive contribution to local character, or be of a design that improves the quality of the area and the way it functions, in accordance with Section 7 of the National Planning Policy Framework 2012.

RUPERT CLUBB

Director of Communities, Economy and Transport  
27 February 2017

**BACKGROUND DOCUMENTS**

Application file LW/784/CM

Planning refusal LW/754/CM

Site planning permissions

The Development Plan

The National Planning Policy Framework 2012