

Committee: **Regulatory  
Planning Committee**

Date: **10 October 2018**

Report by: **Head of Planning and Environment**

Proposal: **Variation of Conditions 9, 10 & 11 of planning  
permission WD/582/CM to extend the operational hours  
of the site including the loading and unloading of waste  
containers and the use of the mobile compactor.**

Site Address: **Crowborough Household Waste Recycling Site,  
Wealden Industrial Estate, Farningham Road,  
Crowborough, Jarvis Brook.**

Applicant: **Veolia ES (South Downs) Ltd.**

Application No. **WD/582/CM1**

Key Issues:           **(i) Purpose of the proposal**  
                              **(ii) Effect on amenity**

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

Local Member: **Councillor Sylvia Tidy**

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## **SUMMARY OF RECOMMENDATIONS**

**1. The Committee is recommended to refuse planning permission for the reason set out at paragraph 8.1 of the report.**

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## **CONSIDERATION BY HEAD OF PLANNING AND ENVIRONMENT**

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

1.1 Crowborough Household Waste Recycling Site (HWRS) is located within the Jarvis Brook area of Crowborough and is sited at the south-western end of the Wealden Industrial Estate with access via Farningham Road from Crowborough Hill to the east. The land rises from the HWRS to the west and north and there are wooded areas forming tree belts along the north-western, south-western and south-eastern boundaries of the site, the first two being covered by a Tree Preservation Order. Acoustic fencing is also present on the north-western and south-western boundaries of the site. Commercial units are adjacent to the north-east of the site.

1.2 The rail line connecting Crowborough with London is present to the south-east of the HWRS, running parallel with Farningham Road, and the Western Road Industrial Estate lies beyond. A narrow residential road, Mount Pleasant, runs to the west of the HWRS and a spur leading east from this road, just to the north of the HWRS, also provides access to several residential properties.

## **2. The Proposal**

2.1 This site is one of 12 HWRSs that the applicant currently operates as part of the Integrated Waste Management Service with the County Council and Brighton & Hove City Council. The existing network of HWRSs in East Sussex enables residents to dispose of their waste materials, which are transferred for onward recycling, composting or recovery.

2.2 The applicant is seeking to vary the operational hours at the HWRS, which would affect three conditions (9, 10 and 11) of planning permission WD/582/CM. As well as an extension in the morning on Saturdays and Sundays for certain activities, the proposal would also be seeking to extend the operational hours to include Saturday and Sunday afternoons and all day on most Bank and Public Holidays. The existing and proposed wording of the relevant conditions are as follows:

2.3 The existing Condition 9 reads:

The site shall not open and no work shall be carried on the site other than between the hours of 0900-1700 Mondays to Fridays inclusive, 0900-1300 Saturdays and Sundays and at no times on Public and Bank Holidays unless the prior written approval of the Head of Planning has been obtained.

Reason: To protect the amenity of the locality in accordance with Policy WMP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.4 The proposed variation to Condition 9 reads:

The site shall not open and no work shall be carried on the site other than between the hours of 0900-1700 Mondays to Fridays, Saturdays, Sundays and Public & Bank Holidays and at no times on Christmas Day, Boxing Day and New Years Day unless the prior written approval of the Head of Planning has been obtained.

2.5 The existing Condition 10 reads:

The loading and unloading of waste containers shall only take place between the hours of 0900-1700 Mondays to Fridays inclusive, 1000-1200 Saturdays and at no time on Sundays and Public & Bank Holidays unless the prior written approval of the Head of Planning has been obtained.

Reason: In the interests of the amenity of the locality, in accordance with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.6 The proposed variation to Condition 10 reads:

The loading and unloading of waste containers shall only take place between the hours of 0900-1700 Mondays to Fridays, Saturdays, Sundays and Public & Bank Holidays and at no times on Christmas Day, Boxing Day and New Years Day unless the prior written approval of the Head of Planning has been obtained.

2.7 The existing Condition 11 reads:

The use of a mobile compactor, a 'Minimyza Plus', or equivalent, at the site shall only take place between the hours of 0900-1700 Mondays to Fridays inclusive, 1000-1200 Saturdays and at no time on Sundays and Bank & Public Holidays unless the prior written approval of the Head of Planning has been obtained.

Reason: In the interests of the amenity of the locality, in accordance with Policy WLP35 (b) and (c) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.8 The proposed variation to Condition 11 reads:

The use of a mobile compactor at the site shall only take place between the hours of 0900-1700 Mondays to Fridays, Saturdays, Sundays and Public & Bank Holidays and at no times on Christmas Day, Boxing Day and New Years Day unless the prior written approval of the Head of Planning has been obtained.

2.9 According to the applicant, the purpose of the proposal is to enable members of the public to use the site during the weekends and on Bank and Public Holidays (referred to subsequently as 'Bank Holidays') and to align the operational hours with those at other existing HWRSSs.

### **3. Site History**

3.1 Planning permission (reference WD/247/CM) was granted in 1999 for the construction of a household waste site and recycling facilities, subject to conditions. The original proposal included the provision of a permanent compactor on site, although this was withdrawn from the proposed development.

3.2 Condition 17 of planning permission WD/247/CM states that 'No additional motorised plant, equipment or machinery shall be used on the site once it is operational, other than those items specifically identified in the planning applications, unless with the specific written approval of the Director of Transport and Environment or as a result of necessary urgent repairs or

maintenance works.' In June 2007 and in pursuance of Condition 17, the applicant sought the written approval of the Director of Transport and Environment for the use of a mobile compactor at the site. A detailed noise assessment report accompanied the correspondence seeking this approval.

3.3 Given the previous concerns over noise issues at the site, the County Council consulted local residents and the District Council Environmental Health Officer (EHO) on the noise assessment report. Three representations were received raising concerns on the use of a compactor at the site due to the potential for noise and a solicitor was also instructed by several residents to voice concerns on noise issues. The EHO raised no objection.

3.4 In the light of the concerns raised and the need for controls on noise emissions, particularly as there were no controls on noise under permission WD/247/CM, the County Council considered that a planning application would be necessary on three accounts: (i) To enable the operator and County Council to monitor the noise levels; (ii) To enable the County Council to take appropriate action to secure acceptable noise levels; and (iii) To protect residential amenity and give an assurance to local residents that noise levels have been set to acceptable levels and are being monitored accordingly.

3.5 Consequently, the applicant submitted a planning application (reference WD/520/CM) to seek a variation of Condition 17 of permission WD/247/CM to allow the use of a mobile waste compactor. The application was granted planning permission in December 2007, subject to conditions, including a condition to restrict the use of the compactor to a 12 months period (Condition 1).

3.6 In 2009, the applicant received planning permission (ref. WD/582/CM) for the removal of Condition 1 of permission WD/520/CM so that a mobile waste compactor could continue to be used on an occasional basis without a time period restriction.

#### **4. Consultations and Representations**

4.1 Wealden District Council has not submitted any observations.

4.2 Crowborough Town Council has noted that it would like the waste not to be loaded and unloaded on Bank Holidays.

4.3 ESCC Waste Disposal Authority supports the proposal. It notes that weekends are the busiest time for HWRs and while most HWRs are open at this time, the Crowborough site is only open in the mornings; opening for a longer period would improve the service to residents. Offering longer working hours at the weekend would spread the currently concentrated morning use across the day. This would alleviate traffic congestion and create an environment that allows residents time and space to separate their waste properly, thereby increasing recycling levels.

4.4 The Highway Authority notes that the proposed variation to hours is unlikely to result in a significant increase in vehicle movements generated from visits to the site. However, it is anticipated that visits will be spread out over Saturdays, Sundays and bank / public holidays, thereby helping to reduce the traffic and congestion in the local area on Saturday and Sunday mornings.

4.5 Representations: Seven local residents have raised objections to the proposal and have also instructed solicitors to make a representation of objection on their behalf. While there is no objection to recycling generally, it is noted that there had been objections to the original application and that a different site should be found rather than increase operating hours at this site. However, the main objection relates to the potential for noise at times which are not currently used by the facility and which are considered to be the most sensitive for amenity.

It is noted by the residents that on Saturday and Sunday mornings when the site is very active, the noise can be invasive, although it is accepted that this will be until 1pm only. It is also noted that the acoustic fencing to the rear of the site offers no barrier to sound and the centre has got busier over the past 10 years causing more frequent container movements and more noise. If the facility is considered to be able to cope with a larger service, it should be partly enclosed to protect neighbours from nuisance.

One letter of support has been received from a resident in Crowborough, which notes that the proposal would introduce more convenient hours at the weekend and reduce travel to other recycling centres on weekend afternoons.

## **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: Policies: WMP3b (Turning waste into a resource); WMP6 (Safeguarding waste sites); WMP22 (Increased operational capacity at existing sites); WMP25 (General amenity); WMP26 (Traffic impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Crowborough HWRS Map 29.

5.3 Wealden Local Plan 1998: Saved Policy EN27(2) (Design).

It should be noted that Wealden District Council has published their Local Plan – Proposed Submission Document for its formal representation period. Given that this plan has yet to be formally submitted to the Secretary of State and the policies have not been scrutinised at Examination, the content of this emerging plan can be afforded very little weight in the determination of this application.

5.4 National Planning Policy Framework (NPPF) 2018:

The NPPF does change the status of the Development Plan as the starting point for decision making and constitutes national policy as a material consideration in determining planning applications. Part 12 (Achieving well-designed places) is relevant in this case.

## **6. Considerations**

### **Purpose of the proposal**

6.1 Policy WMP6 of the Waste and Minerals Plan safeguards existing waste sites, including the Crowborough HWRS, and the Sites Plan identifies the site at Map 29. Support is given by Policy WMP22 for proposals which increase operational capacity at existing sites and Policy WMP3b requires proposals to adhere to the provisions of the waste hierarchy. Policy WMP26 requires that proposals should have, *inter alia*, adequate access arrangements and have no unacceptable impact on existing highway conditions.

6.2 The applicant is seeking to extend the operational hours at the site in order to align them more closely with those at other HWRSs so that members of the public are able to use the site at weekends and on Bank Holidays. According to the applicant, weekend use at other HWRSs is more popular than during the week and so longer opening hours would create the potential to encourage more recycling at weekends by making it easier for the public to visit. In principle, this is supported by Policies WMP3b and WMP22 of the Waste and Minerals Plan. The applicant also considers that longer operating times would result in a reduction in traffic congestion on the surrounding roads at the weekends, as visits could be spread out over each day rather than be confined to the mornings, a situation which is supported, in principle, by Policy WMP26. According to the applicant, the overall focus and purpose of the proposal is to enable the site to be open during periods of the week and weekend that are more suitable for members of the public to dispose of their waste materials.

### **Effect on amenity**

6.3 Policy WMP25 of the Waste and Minerals Plan seeks to protect the amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development. It also requires that there should be no significant adverse impact on air quality or the local acoustic environment and that adequate means of controlling noise, dust, litter, odours and other emissions, including those arising from traffic generated. Saved Policy EN27 also seeks to protect amenity and the NPPF requires developments to create places in which, *inter alia*, there is a high standard of amenity.

6.4 Although the site is not located within a predominantly residential area, it is sited in close proximity to four residential properties to the north (20 metres from the HWRS boundary to the residential boundary and just over 40

metres to the property) with several other properties located nearby to the north and south-west.

6.5 According to the applicant, no complaints have been received regarding noise since 2011. However, residents have indicated that, despite the presence of acoustic barriers, noise is invasive during Saturday and Sunday mornings but it is tolerated in the knowledge that the site will cease operating at 1pm on both days. The cessation of operations at this time provides some respite to neighbours for the remainder of the day. This is a matter specifically referred to in representations, as it is the reason why the Council imposed restrictions on operating times and the use of a waste compactor.

6.6 While it might be advantageous to standardise operating times at HWRSs, the circumstances of different sites are not the same and the merits of extending operational hours at each site have to be considered on an individual basis. The Council has been aware of the sensitivity of the Crowborough HWRS location since the original application was determined due to the proximity of residential properties, which other HWRS sites do not encounter, for example, at Newhaven, Heathfield and Hastings. The material circumstances of the Crowborough site have not changed and it is considered that if the proposal to extend the hours was approved, it would conflict with the reason why the condition to control the hours was included in the first place. The need to control the use of the site in the interests of amenity should be maintained, despite any benefits which might occur if the proposal was approved. Therefore, the extension of hours cannot be supported due to the likely adverse effect on amenity.

### **Other matters**

6.7 The site is within relative close proximity of the Ashdown Forest, a distance within which development and other activities may affect the nature conservation interests of Ashdown Forest (designated as a Site of Special Scientific Interest, Special Protection Area and Special Area of Conservation), particularly with regard to nitrogen emissions. However, the HWRS is located at the south-eastern side of Crowborough and principally serves the residents of the town. It is unlikely that many persons to the west of Ashdown Forest would travel across it to access the facility when other HWRS facilities are available to use further west. Hence, taking this into account, along with the proposal itself, there is considered to be no resulting significant adverse effect on the interests of the designated area. Therefore, it is not considered that the proposal would conflict with Development Plan policies to safeguard the Ashdown Forest from inappropriate development.

## **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 to vary Conditions 9, 10 and 11 of planning permission WD/582/CM to more closely align operating hours with other HWRSs and to enable members of the public to benefit from extended hours at weekends and Bank Holidays to dispose of their waste.

7.3 While the County Council, as Waste Planning Authority supports, in principle, the use of HWRSs to more effectively manage waste, this has to be balanced against other material considerations. At the Crowborough HWRS, the material circumstances have not changed since the conditions to control operating hours were imposed. Consequently, it is considered that further operational activity during weekends and on Bank Holidays would be likely to result in an unacceptable effect on amenity. As such, the proposal would conflict with the reasons for the conditions controlling operating hours and specifically Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998 and the relevant provisions under Part 12 of the National Planning Policy Framework 2018. Therefore, the proposal is recommended for refusal.

7.4 In determining this planning application, the County Council has worked 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 refuse planning permission for the following reason

1. The proposal to extend operating hours on Saturdays, Sundays and Bank & Public Holidays would be likely to result in a significant adverse effect on the amenity of persons living in close proximity to the site by reason of noise and other disturbance. This would be unacceptable and conflicts with Policy WMP25 (a), (b) & (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 relevant provisions of Part 12 of the National Planning Policy Framework 2018.

EDWARD SHEATH  
Head of Planning and Environment  
CET Department  
1 October 2018

**BACKGROUND DOCUMENTS**

Application file WD/582/CM1

Planning permissions WD/582/CM, WD/520/CM & WD/247/CM

The Development Plan

National Planning Policy Framework 2018