

Committee: **Regulatory
Planning Committee**

Date: **10 October 2018**

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

Proposal: **Variation of Conditions 5 & 6 of planning permission
EB/677/CM to extend the operational hours of the site**

Site Address: **Eastbourne Household Waste Recycling Site, St Philip's
Avenue, Eastbourne, BN22 8NB**

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

Application No. **EB/812/CM**

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

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

Local Member: **Councillor David Tutt**

SUMMARY OF RECOMMENDATIONS

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

CONSIDERATION BY HEAD OF PLANNING AND ENVIRONMENT

1. The Site And Surroundings

1.1 The Eastbourne Household Waste Recycling Site (HWRS) is located in a predominantly residential area in the north-eastern part of Eastbourne and is bounded between Churchdale Road, St Philip's Avenue, Roselands Avenue and Brydges Close. A large electricity sub-station is present opposite the north-eastern side of the HWRS' frontage onto St Philip's Avenue. Car access into the site is from St Philip's Avenue and an internal road used for queuing leads from the south-western part of the site into the north-eastern part, which contains the operational HWRS. Visitors then exit the site onto Churchdale Road. The western part of the site is used as a small transfer station for clinical waste.

2. The Proposal

2.1 This site is one of 12 existing HWRSs that the applicant currently operates as part of the Integrated Waste Management Contract with the

County Council and Brighton & Hove City Council. The existing network of HWRs in the County enables residents to dispose of their different waste materials, which are transferred for onward recycling, composting or recovery.

2.2 The applicant is seeking to vary Conditions 5 and 6 of planning permission EB/677/CM, which refer to the site's operational hours. The main change would be to allow the facility to operate on Saturday and Sunday afternoons and on most Bank and Public Holidays. The existing and proposed conditions are as follows:

2.3 The existing Condition 5 reads:

Unless prior agreement in writing has been obtained from the Head of Planning, the opening hours to members of the public shall not exceed 08.30 to 16.00 hours on Mondays to Thursdays, 08.30 hours to 15.30 hours on Fridays, 07.30 to 12.00 hours on Saturdays and Sundays and closed on Bank/Public Holidays and no trade waste shall be accepted during Saturdays and Sundays.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site, in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.4 The proposed variation to Condition 5 reads:

Unless prior agreement in writing has been obtained from the Head of Planning, the opening hours to members of the public shall not exceed 08.30 hours to 16.00 hours on Mondays to Fridays, 08.00 to 17.00 on Saturdays, Sundays and Public & Bank Holidays and no trade waste shall be accepted during Saturdays and Sundays and Public & Bank Holidays.

2.5 The existing Condition 6 reads:

No activity shall take place on the site before the hours of 07.00 hours and after 18.30 hours on Mondays to Thursdays, before 07.00 hours and after 19.00 hours on Fridays or before 07.15 hours and after 12.15 hours on Saturdays and Sundays. No activity shall take place on Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site, in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2.6 The proposed variation to Condition 6 reads:

No activity shall take place on the site before the hours of 07.00 and after 18.30 hours on Mondays to Fridays, before 07.15 hours and after 17.00 hours on Saturdays and Sundays or before the hours of 08.00 and after the hours of 17.00 on Public and Bank Holidays. No activity shall take place on Christmas Day, Boxing Day and New Years Day.

2.7 According to the applicant, the reason for the proposal is to more closely align the operational hours with other HWRSs so that members of the public are able to use the site during the more popular weekends and Bank and Public Holidays (subsequently referred to as 'Bank Holidays').

3. Site History

3.1 The site was first granted planning permission for the development of a household waste site in 1989 (ref. EB/1140/CC) and has continued to operate within the eastern part of the current site area under planning permission EB/1382/CC (which was granted in 1992). The HWRS was extended to include the western part of the site under planning permission EB/137/CM (granted in 1996). The opening times to the public as restricted in Condition 1 of permission EB/1382/CC and Condition 2 of permission EB/137/CM on Saturdays and Sundays were varied from 07.30-11.30 hours to 07.30-12.00 hours in 2004.

3.2 More recently, the site was granted permission in 2012 for the 'provision of an off-road queuing lane for vehicles used by visiting members of the public from St Philip's Avenue (approximately 50 metres from the junction of St Philip's Avenue with Roselands Avenue) leading into the adjoining household waste recycling site with the continued use of the exit point on to Churchdale Road' (ref. EB/677/CM).

4. Consultations and Representations

4.1 Eastbourne Borough Council does not wish to make any observations.

4.2 ESCC Waste Disposal Authority supports the proposal. It notes that weekends are the busiest time for HWRSs and while most HWRSs are open at this time, the Eastbourne 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.

4.3 The Highway Authority considers that the proposal is unlikely to result in a significant increase in vehicle movements. It is anticipated that visits will be spread out over the weekend and Bank Holidays, thereby potentially helping to reduce the traffic and congestion.

4.4 Councillor David Tutt, Local Member, objects to the proposal and asks that the Council should give serious consideration to moving the facility to a more appropriate location away from houses. Local residents have noted the traffic chaos in St Philip's Avenue and the difficulty in using their properties when the site is open at weekends. Drivers passing the queue to the site could cause a serious accident. Noise is experienced by residents in Brydges Close after the site is closed, which makes enjoyment of their gardens

difficult. If the opening hours are extended, they are unlikely to enjoy their gardens at all during the weekends.

4.5 Representations: 15 representations have been received from local residents, of whom 10 object for reasons which can be summarised as follows: (i) The proposal will not solve the traffic congestion problems, as the use has outgrown the site; (ii) Another site needs to be found to be able to accommodate the traffic; (iii) Noise from site activities and from people (including verbal abuse to residents) and pollution (including from queuing cars) will continue due to the overuse of the site; (iv) Vibration into homes from containers being dragged will continue; (v) The use of the site results in dangerous driving and hazards to people through drivers overtaking queuing traffic, mounting of pavements, reversing into driveways, blocking residents' driveways, ignoring double yellow lines and signage, and dangers to children walking home from school; (vi) Any enjoyment of gardens will be lost in the afternoons at weekends which is the reason why the restriction on operating times was imposed; (vii) Litter will increase in residents' gardens; (viii) A trial period should be considered; (ix) Plans have to be made when to leave and return home due to the congestion – the proposal will only make this worse; and (x) It will become more difficult for carers to access the property due to traffic problems.

One resident summarises the situation as follows: The site has become increasingly busier and demand has increased naturally since 1989. The air and noise pollution and other disruptions at the site should be reduced and not potentially increased. There will be no break from the noise if the hours are extended.

Five representations do not object to the proposed extended hours but do request that the site opens later due to noise, vibration from dragging containers and vehicle lights in the winter being intrusive particularly in the mornings.

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 Local 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: Eastbourne HWRS Map 31.

5.3 National Planning Policy Framework (NPPF) 2018

The NPPF does not 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 proposal

6.1 Policy WMP6 of the Waste and Minerals Plan safeguards existing waste sites, including the Eastbourne HWRs and the Sites Plan identifies the site at Map 31. 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 operating hours at the site in order to align them more closely with those at other HWRs so that members of the public are able to use the site for the whole weekend and on Bank Holidays. According to the applicant, weekend use at other HWRs 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.

6.3 The applicant anticipates that visitor numbers would remain similar to the existing number of visits per week, as they would be spread out over longer periods at the weekend, and would result in a reduction in traffic congestion on the surrounding roads. Furthermore, the applicant considers that there are unlikely to be any additional vehicle movements associated with loading or unloading of waste containers. The potential improvements in alleviating traffic congestion are supported, in principle, by Policy WMP26 and highlighted as a benefit by the Highway Authority.

6.4 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, as opposed to seeking to increase the site's activities or the input and output of waste.

Effect on amenity

6.5 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. Part 12 of the NPPF requires developments to create places in which, *inter alia*, there is a high standard of amenity.

6.6 Unlike other HWRs, such as at Newhaven, Heathfield and Hastings, the HWR is located in a predominantly residential area, with properties in

close proximity to the site on all sides. Consequently, there is the potential for neighbours to be adversely affected by noise and other nuisance from the site, both through the movement of vehicles and the disposal and subsequent transfer of waste materials. Following consultation, local residents have raised concerns regarding noise from the site, together with reference to nuisance and hazards relating to the volume of traffic associated with its use.

6.7 The applicant notes that the nature of most complaints it has received relate to congestion of cars trying to access and egress the site and considers that the potential for noise would be likely to be minimal, if the site is able to operate for longer periods of time during the weekend and on Bank Holidays. It is possible that by allowing the HWRS to operate in the afternoons on Saturdays and Sundays and on Bank Holidays, intensified periods of use would be lessened. However, it is also possible that the afternoons would be very busy, as well as in the mornings, thereby resulting in a continuous period of concentrated activity throughout the whole day. This is pertinent, as the applicant refers to longer operating hours helping to maximise the potential for recycling in the Eastbourne area, which implies that an increase in visits by the public would be anticipated.

6.8 The applicant has indicated that on-site activities would remain the same throughout the proposed extended operational period and so the noise generating activities in the mornings would continue into the afternoons, as well as on Bank Holidays. Despite this, the applicant asserts that any likely impact on residents would be minimal but I do not agree. It is more likely that the impact from noise and disturbance would be significant, as there would be no respite for neighbours at the weekends and on Bank Holidays. This is particularly important in the assessment of this application, as the reasons for the existing controls on operating times under Conditions 5 and 6 of planning permission EB/677/CM are to safeguard the amenities of neighbours; this is a point also referred to in submitted representations. The circumstances of the site have not changed and therefore the reasons for the conditions remain relevant. It is considered that the proposed extension to operating times would not safeguard the amenities of neighbours and would therefore conflict with the Development Plan. As such, the proposal cannot be supported.

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 5 and 6 of planning permission EB/677/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 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 Eastbourne 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 adverse 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 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 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 EB/812/CM
Site planning permissions, including EB/677/CM
The Development Plan
National Planning Policy Framework 2018