

Committee: **Regulatory
Planning Committee**

Date: **11 November 2015**

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

Proposal: **Erection of a non-ferrous metals storage building, skip storage area, partial replacement fencing, inert waste treatment pad, new storage bays and push walls, the processing of inert waste outside the existing building and improved drainage facilities**

Site Address: **Sussex Waste Management Site, Whitworth Road, St Leonards-on-Sea, East Sussex, TN37 7PZ.**

Applicant: **Mr Fred Ham, Sussex Waste Management Ltd**

Application No. **HS/759/CM**

Key Issues: **i. Need for the development;
ii. Effects on amenity: Noise, Dust, External storage of skips/containers containing waste;
iii. Landscape, Visual Impact and Biodiversity
iv. Traffic impacts**

Contact Officer: **Chris Flavin - 01273 481833**

Local Member: **Councillor Peter Pragnell**

SUMMARY OF RECOMMENDATIONS

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

CONSIDERATION BY DIRECTOR OF COMMUNITIES ECONOMY AND TRANSPORT

1. The Site and Surroundings

1.1 The Sussex Waste Management Site is situated on the northern fringe of Hastings to the south of The Ridge West and to the west of the A21, and the site is accessed via Junction Road and Whitworth Road. The western section of this access is a single lane road serving the applicant's site and the neighbouring industrial unit. The eastern section of the road is a two lane adopted highway with adequate width for parking on both sides.

1.2 The waste transfer station site accommodates a skip hire business and comprises open land surfaced with a mixture of tarmac and concrete. In the north-east corner of the site is the existing waste transfer building, an open fronted steel sheet clad industrial type shed measuring 24.3 metres by 9.3 metres, and 9 metres in height. Along the eastern boundary of the site towards the southern end of the site is a portakabin site office and weighbridge. The site access is located at the southern end of the site.

1.3 Immediately south of the site is an open area of land occupied by a scaffolding company which uses the site as a depot and storage yard. The western boundary and part of the northern boundary is contained by dense woodland. The site is bounded to the north, west and south, by the Hollington Valley Site of Nature Conservation Interest (SNCI), also commonly referred to as the Hollington Valley Local Wildlife Site (LWS), which extends some 300 metres to Beauharrow Road, a residential area to the south. This SNCI is a mixture of woodland, open land and two large ponds, and, is crossed with informal footpaths.

1.4 To the east of the application site beyond an embankment and line of trees is the Whitworth Road Industrial Estate. The neighbouring industrial unit, 40 metres to the east of the site is occupied by Emmaus, a 'social enterprise' charity which has a second-hand superstore in a building, selling furniture and other second-hand items that have been repaired in a workshop on site. As well as providing employment, the Emmaus site also provides residential accommodation for people that were formerly homeless, and this lies approximately 30 metres to the east of the application site.

1.5 In addition to the neighbouring Emmaus site, the nearest residential dwellings are houses at Beauport Gardens to the west of the site, some 250 metres away at the other side of Queensway, and, the caravan site (Beauport Holiday Park) which is 150 metres away to the north of the A2100 (The Ridge West). To the south west 320 metres away are several houses that are accessed from Beauharrow Road.

1.6 There are public rights of way close to the western boundary, the north-west boundary and along part of the eastern boundary of the site. The boundary of the High Weald Area of Outstanding Natural Beauty lies approximately 75 metres to the north.

2. The Proposal

2.1 This application is for a number of additions and changes to the existing permitted waste recycling facility, as summarised below:

- Erection of a storage building for non-ferrous metals.
- Concrete hardstanding to provide an inert waste treatment pad (to accommodate inert waste processing).
- The screening, sorting and crushing of inert waste externally (outside the existing waste transfer building).

- New external waste storage bays (for inert waste) and associated rear push walls.
- A designated skip storage area (for empty skip and for skips containing recovered waste materials).
- The erection, retrospectively, of a 3 metres high pole for mounting five CCTV cameras.
- Partial replacement fencing.
- Improved drainage facilities.

2.2 When the planning application was originally submitted, the proposed description of the development included a proposed increase in the maximum number of vehicle movements (from 48 movements up to 80 movements). However the applicant has subsequently removed this part of the proposal, due to the advice of the Highway Authority that the proposed increase in vehicle movements would only be acceptable if the site was accessed from an alternative new access route onto the proposed new Queensway Gateway Road.

2.3 The planning permission for the Queensway Gateway Road, which relates to land to the south west of the Whitworth Road waste transfer station site (land between Queensway and Sedlescombe Road North), was extant at the time that Sussex Waste Management submitted the planning application. However, the planning permission for the Gateway Road (HS/FA/14/00832) has since been quashed by Hastings Borough Council. This means that Sussex Waste Management will have to continue to use the existing site access off Whitworth Road. Consequently, the original proposed increase in vehicle movements has been removed from the application. (For further specific details of the proposed Queensway Gateway Road see Section 3 below.)

2.4 The proposed building for the storage of non-ferrous metals would be a steel framed building (moss green in colour) located in the south western corner of the site, measuring 12.2 metres by 13.4 metres, and, 4.6 metres in height (to the eaves of the roof). The purpose of the building is to accommodate metals that are recovered from skip loads of incoming waste and also to store the existing metal shearing equipment.

2.5 A concrete hardstanding area measuring 16 metres by 23 metres is proposed to the south of the existing recycling building, where the applicant proposes to screen, sort and crush inert waste (externally). The processed inert waste products arising from this operation would then be stored within the proposed storage bays (see paragraph 2.6 below) on the eastern side of the new concrete pad. Under the current planning permission for the site the processing and storage of waste is only permitted to take place within the footprint of the main recycling building – a stainless steel clad shed-type or ‘lean to’ structure which is almost entirely open on one side. All non-inert waste and mixed skip waste would continue to be processed inside the existing recycling building.

2.6 The erection of a new wall constructed with railway sleepers and storage bays for recycled materials is proposed along the eastern boundary of the site, immediately south of the existing recycling building. The rear wall at the back of the bays would be created from wooden sleepers and RSJ's. The internal dividing walls between each bay would comprise pre-cast concrete 'L' or 'A' shape sections. The rear wall and the internal dividing sections for the bays would be a maximum of 3 metres in height, although the applicant has yet to confirm what the actual height would be. The height of the railway sleeper wall has also not yet been confirmed but it would need to be higher than the pre-cast concrete sections in order to prevent waste over-spilling at the back of the bays. The bays are located wholly on the proposed new concrete pad.

2.7 A new designated skip store area measuring 52 metres by 16 metres is proposed along the western side of the site. Most of the skips that would be stored in this location would be empty although some skips would contain sorted, recovered waste materials. The applicant has proposed that the maximum number of skips that would be stored with waste in them would be 25 and the number of roll on/off containers with waste stored in them would be 5. The storage of waste in skips outside is controlled by the Environment Agency (EA) issued Environmental Permit –consequently, some types of recovered waste would be required to be covered, other types, such as plastic window frames or glass would not require covering. The applicant states that the skips of recovered waste would be stored for a minimum possible period of time prior to being removed off site for further recycling or re-use.

2.8 The applicant is also seeking planning permission retrospectively for the erection of a 3 metres high pole which provides mounting for five CCTV security cameras. The pole is attached to the wall on the western side of the site office.

2.9 New replacement fencing is required along the northern boundary of the site and a small section along the eastern boundary due to damage, and, wear and tear. Along the northern boundary of the site it is proposed to erect a 45 metres long section of steel palisade fencing (2.5 metres high). Along the eastern section, new wooden panel fencing (1.8 metres high) is required to ensure that the site is secure in order to comply with the Environmental Permit and to minimise the visual impacts of the site.

3. Site History

3.1 Planning permission HS/570/CM - Change of use from a skip hire depot with siting of a portable office building to a mixed use incorporating a skip hire depot with siting of a portable office building, weighbridge and new building for a waste transfer & recycling facility, was granted on 10 November 2008.

3.2 Planning permission HS/651/CM - Variation of condition 3 and deletion of condition 14 of planning permission HS/570/CM, comprising changes to the

size and design of the waste transfer building, including omission of the roller-shutter doors, was granted on 24 January 2011.

3.3 Non-Material Amendment (NMA) application HS/651/CMNM/1 to amend position of building (relocation by 1 metre) and building to be constructed in rectangular footing was granted on 14 July 2011.

3.4 In June (2015) Hastings Borough Council quashed Planning Permission HS/FA/14/00832 (issued on 05/02/2015) for the proposed Queensway Gateway Road which relates to land to the south west of the Whitworth Road waste transfer site (land between Queensway and Sedlescombe Road North). The application for the Queensway Gateway Road has subsequently been re-submitted to Hastings Borough Council and the application will eventually be considered by the Council's Planning and Regulation Committee.

4. Consultations and Representations

4.1 Hastings Borough Council: Raises no objection, subject to the following conditions: i) times of crushing to be restricted to between 08.00 -17.00 Monday to Friday; ii) crusher not to be used on windy or very dry days; iii) Dust Scheme needed to outline measures to prevent fugitive emissions of particulate matter to air; and iv) due to the potential increase in HGV traffic on site, a wheel wash facility should be considered to prevent the tracking of dust and other material onto the highway.

4.2 Highway Authority: The proposed increase in HGV movements shouldn't be permitted until the Queensway Gateway Road is formally open.

4.3 Environment Agency - No objections to the proposal.

4.4 Representations

Letters of objection were received from the residents of six different residential addresses which are located on Beauport Home Farm Close and Beauharrow Road, some 400-500 metres from where the proposed crushing operation would take place. The following concerns have been raised:

- The existing waste operation already causes poor air quality, dust and noise.
- Proposed processing of waste externally will result in increased noise and dust.
- Concerns proposal will cause odour, vibration and vermin problems.
- Roads won't be able to cope with the increase in traffic.
- The increased HGV traffic will cause more disturbance (noise, dust and congestion).
- Poor site access (until the Queensway Gateway Road is built).
- Applicant has previously been prosecuted regarding non-compliance issues.
- An air quality assessment/environmental study should be carried out.

- Current development is non-compliant with conditions regarding storage of waste on the site.
- Concerns over impacts on wildlife in this area: the effect of the proposal on wildlife should be assessed.
- Concerns over potential groundwater pollution and the pollution that surface water runoff might cause
- Not a good location for the proposed development.
- Current development generates noise of skips being dropped and scraping of metal on concrete.
- The scrap metal part of the business has already increased the volume of traffic at the site (which has added to the pollution, noise and smell).
- Allege that the increase in traffic has already taken place.
- Concerns the proposed push walls will be another unacceptable noise level.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (Waste Hierarchy), WMP22 (Expansion and Alterations Within Existing Waste Facilities), WMP23A (Design Principles for Built Waste Facilities), WMP25 (General Amenity), WMP 26 (Traffic Impacts), and WMP27 (Environment and Environmental Enhancement).

5.2 Hastings Local Plan 2011-2028: Hastings Planning Strategy (2014): Policy EN6 (Local Wildlife Sites).

5.3 Hastings Local Plan 2011-2028 Development Management Plan (adopted 2015): Policies: DM1 (Design Principles), DM3 (General Amenity), and Policy DM6 (c) (Pollution and Hazards),

5.4 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.

5.5 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

Need for the development

6.1 Policy WMP3b of the Waste and Minerals Plan seeks to divert waste away from landfill and for it to be managed further up the waste hierarchy. Policy WMP22 of the Waste and Minerals Plan supports, in principle, proposals for increased operational capacity within the boundary of existing

waste sites, where it can be demonstrated that certain criteria are met. These criteria include the requirement for improved operational efficiency of the facility, and the proposed development contributing towards meeting the objectives of the Waste and Minerals Plan.

6.2 Under the current planning permission the processing and storage of inert waste is only permitted to take place within the footprint of the existing waste transfer building, and the crushing of inert waste is not permitted to take place anywhere on the site. Because of the amount of space in the waste transfer building that is taken up unloading, sorting and storing non-inert and mixed skip waste, there is currently a lack of available space to effectively deal with the quantities of inert waste that are being brought on to the site. The proposal to process and store inert waste externally on a separate part of the site to other waste types, would enable the site to be operated in a more effective and efficient manner, as well as enabling a higher volume of waste to be processed at the site. In addition to this, the proposed crushing and processing of inert waste would enable the recovery and re-use of a higher proportion of waste on site. As well as diverting more waste away from landfill the proposed crushing would prevent the need for inert waste to be 'double handled' -where inert waste may have previously been taken away from Whitworth Road to be crushed and processed elsewhere.

6.3 Since submitting the planning application the applicant has indicated that, for operational reasons, a slightly larger concrete pad is required. However, no details have been submitted regarding the required size. A condition is therefore proposed requiring the submission of details of the location and size of the concrete pad, prior to its construction.

6.4 It is considered that the proposal would enable a beneficial increase to the operational capacity of the site as well as improved recycling rates, both of which would enable more waste to be moved up the waste hierarchy. The proposal therefore complies with Policies WMP3b and WMP22 of the Waste and Minerals Plan.

Effects on Amenity

Noise

6.5 Policy WMP25 of the Waste and Minerals Plan seeks to protect the standard of general amenity appropriate to the locality of the development and for development to provide for adequate means of controlling, inter alia, dust, noise and odour. With regard to noise it states that there shall be no significant adverse impact on the local acoustic environment. Policy DM6 of the Hastings Development Management Plan seeks to protect human health and water quality, with (c) relating to noise and odour. It states that planning permission will only be granted providing that noise and odour that is detrimental to neighbouring and/or local amenity is kept to a practical minimum and that appropriate means of assessment may be required.

6.6 Residents in the local area have raised concerns that the proposed development would result in elevated noise levels which would cause unacceptable noise disturbance. Furthermore, local residents have said that the existing development is already causing problems with noise disturbance as well as dust, although no complaints have been received recently relating to noise from the current activities at the site.

6.7 A noise assessment has been submitted as part of the planning application but it has not met the standard that is required to make accurate and reliable conclusions about the likely impacts of the proposal on the local noise environment. Although several re-submissions of the noise assessment were made, they didn't meet the criteria set out in the Planning Noise Advice Document for Sussex (2015).

6.8 The proposed external waste operations would be on a relatively small scale and the proposed 'bucket crusher' is very different to the much larger mobile crushers that are used at larger aggregate recycling sites and demolition sites to process hundreds of tonnes an hour (the proposed bucket crusher would only process a maximum of 50 to 60 tonnes per hour). The external crushing and waste processing operations will clearly generate some noise on the site, but the question is to what extent will it impact on the noise environment experienced by the residential dwellings in the area. Concerns about noise were raised by the residents of three different properties at Beauport Home Farm Close and one resident at Beauharrow Road. These residents are some 400-500 metres from where the proposed crushing operation would take place. At this distance, and against a prevailing south westerly wind direction, the proposed operations would have to be quite severe if they were to be audible enough to cause disturbance.

6.9 Much nearer to the proposed external waste operations is the neighbouring Emmaus site, which, in addition to the second-hand superstore and workshop, also provides residential accommodation for people that were formerly homeless. Although the accommodation block is an unusual feature on an industrial estate, it still has to be viewed as residential, and consequently, a noise sensitive receptor. One of the purposes of requiring the submission of a noise assessment with the planning application, was to enable an accurate assessment (with a higher degree of certainty) of the predicted noise levels that would be experienced by occupiers of the Emmaus site if the proposed development went ahead. The other reason for requiring the noise assessment was the expectation that it could have been used to highlight the opportunity for noise mitigation measures and to predict and assess the likely effectiveness of the noise attenuation measures that are available. Without a more detailed and reliable noise assessment neither of these requirements can be fulfilled.

6.10 It is considered that it is not possible to totally ensure the protection of the local and neighbouring amenity under these arrangements as is required by Policy WMP25 of the Waste and Minerals Plan and Policy DM6 (c) of the Hastings Development Management Plan. For this reason it is not considered

acceptable to grant a planning permission that allowed permanent processing/crushing of waste externally at the present time.

6.11 Rather than refusing the entire planning application because of this one aspect of uncertainty, one option would be to grant a planning permission which limits the external waste processing/crushing operations for a temporary period only. This would allow the Waste Planning Authority to fully monitor and assess the actual impacts of external processing at the site. With such an option, all other parts of the proposal (the metals storage building, skip storage area, fencing, new concrete pad with storage bays and push walls, and improved drainage) would be granted permanent planning permission, but the external waste operations (crushing and the processing of inert waste outside the existing waste building) would be limited by planning condition for a temporary period of time. The actual hard standing surface of the concrete pad itself, where the external waste operations are proposed, could be included in the permanent planning permission i.e. it would only be the external waste operations that would be covered by the temporary period planning condition.

6.12 The proposal does include some means of controlling noise and dust, and in conjunction with additional restrictions and controls that could be imposed using planning conditions it would be possible to fulfil the requirements of Policy WMP25 of the Waste and Minerals Plan and Policy DM6 (c) of the Hastings Development Management Plan. A planning condition could be used to limit the hours during which external crushing, mechanical processing/sorting and unloading/emptying of skips, containers or vehicles transporting waste, outside of the footprint of the waste transfer building could take place to between 08.00–17.00 Monday to Friday. Another planning condition could impose a limit on the noise levels generated by the waste operations (as recorded by noise monitoring equipment at the neighbouring Emmaus site). A similar planning condition already applies to the existing permission. In order to assess and monitor compliance with the noise limit, another planning condition would require a noise survey to be carried out (conducted while the proposed bucket crusher is in use) and the results submitted, within 2 months of the start of the bucket crusher being used at the site. With regard to the length of the temporary period, 12 months is considered to be appropriate as this would enable the applicant to demonstrate whether or not it is possible to carry out the external processing operations without any compliance issues or unacceptable adverse impacts occurring.

6.13 The other factor which has been taken into consideration is that although the neighbouring Emmaus site contains a residential unit, it is still located on what is an industrial site, and Emmaus itself is a working business with a furniture repairs workshop and shop that are operate during normal working hours. The workshop and 'second hand superstore' generate their own noise during business hours and therefore the amenity of the site and the local noise environment during those hours is very different to what would normally exist in a residential area. Operations at the application site would be restricted to 0700 to 1800 Monday to Friday, and, 0700 to 1300 on Saturdays.

6.14 Subject to the proposed conditions and the recommendation that the proposed external waste crushing and processing operations is limited to a temporary period of 12 months, the proposal is considered to be in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM6 (c) of the Hastings Development Management Plan.

Dust

6.15 Local residents have raised concerns that the proposal to process and crush inert waste externally would cause dust problems. The processing and crushing of inert waste is a something that can generate dust, particularly during periods of dry and windy weather. However, dust impacts can be controlled effectively when mitigation measures are employed. To prevent dust spreading to the neighbouring area, the applicant proposes to use a water based mist stream 'atomiser'. The atomiser would produce a fine mist up to 20 metres in length, and this would be directed towards the area of inert processing or where incoming loads of waste are being unloaded. The applicant has also advised that should planning permission be granted a detailed Dust Management Plan could be prepared which would outline operational procedures for ensuring that dust is minimised. It has been noted that the residents that have raised the concerns relating to potential dust problems, live between 400 and 500 metres from where the proposed crushing operation would take place. At such a distance it is unlikely that these residents (on Beauport Home Farm Close and Beauharrow Road) would experience any dust problems from operations at the site.

6.16 All existing waste operations at the site are also controlled by an Environmental Permit issued by the Environment Agency (EA) and this would continue to be the case if the proposed development is granted planning permission. This covers all areas of pollution prevention including dust, noise and odour. The Environmental Permit would also require dust prevention and dust management procedures to be in place and in the event that these are found to be ineffective at any point, the EA can require these measures to be reviewed and updated with additional measures.

6.17 Subject to the proposed conditions, it is considered that the proposal would not have an undue unacceptable impact on the amenity of the local area, including existing local and potential future local residents, businesses and other users of the area, in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM6 of the Hastings Development Management Plan.

External storage of skips/containers containing waste

6.18 Regarding the proposal for a new designated skip storage area, there is some concern that the applicant has proposed the storage of a large quantity of waste (sorted waste/recovered materials) within skips. The applicant has proposed that the maximum number of skips that would be stored with waste in them would be 25 and the number of roll on/off

containers with waste stored in them would be 5. This could result in long term storage of waste and recovered materials on the site, instead of the material being transferred for sale, disposal or further processing/recycling at another location.

6.19 An overriding need for long term storage of up to 25 full skips and 5 larger 'roll on, roll off containers' of waste has not been demonstrated. It is accepted that different waste streams need to be bulked up and that in order for it's transfer off site to be cost effective and viable, there is a need for a certain minimum quantity of a waste type or material to be accumulated. However, the storage of 25 skips of waste and 5 containers is considered to be excessive, and furthermore the applicant would have the capacity to also store waste within the proposed bays or the main waste transfer building. A maximum of 10 skips of waste and 5 containers (roll on, roll off containers) is considered to be a more than adequate amount that would enable the effective management of up to 15 different types of waste material. It is therefore recommended that a planning condition be imposed, which limits the maximum number of skips and containers that can be used to store waste externally, to 10 skips and 5 roll on, roll off containers. The type of waste stored within the skips/containers also needs to be controlled by the proposed condition.

Landscape, visual impact and biodiversity

6.20 Policy WMP23A (Design Principles for Built Waste Facilities) of the Waste and Minerals Plan requires built waste developments to be of a design that complements the existing scale and built form of the local area and take account of local landscape and distinctiveness. Policy DM1 (e) of the Hastings Development Management Plan (2015) requires proposals to take into account visual impact, including the height, scale and form of the development in the context of the site's location.

6.21 The site is an established waste management site with associated light industrial character, buildings and plant, and is not considered to be valued landscape in the context of the NPPF. The landscape character of the townscape to the east of the site is of low sensitivity to the proposed development. The character of the Hollington Stream Valley is of moderate landscape sensitivity to the proposed development, therefore this needs to be considered in the context of the existing waste site.

6.22 It is considered that the existing waste use on the site does not detract from the visual amenity of the wider landscape as it is largely screened from public views by topography and tree cover. Furthermore the Hollington Stream Valley and associated trees provide a landscape buffer to the site. The visual sensitivity of the surrounding area is considered to be of low sensitivity to the proposed development.

6.23 The landscape and visual impacts of the proposed development are considered to be minor. Because of the well screened nature of the site and surrounding topography, the proposed metals building and push wall will not

have any significant impact on the surrounding landscape. Consequently the proposal accords with Policies WMP23a of the Waste and Minerals Plan and Policy DM1 (d) of the Hastings Development Management Plan (2015).

6.24 Policy WMP27 of the Waste and Minerals Plan states that permission will not be granted where the development would have a significant adverse impact on sites of national and local importance for nature conservation, including local sites of biodiversity interest such as Local Wildlife Sites (LWS) or Sites of Nature Conservation Importance (SNCI). Policy EN6 of the Hastings Local Plan Planning Strategy states that development proposals within or adjacent to Local Wildlife Sites will only be permitted where there is a local need which outweighs any harm to the nature conservation interest.

6.25 The proposal site is immediately adjacent to the Hollington Valley SNCI (also known as the Hollington Valley Local Wildlife Site) which comprises 13.93 hectares of semi natural woodland with associated stream and meadows. In fact, a small part of the existing permitted waste transfer site is within the defined boundary of the SNCI. As the site has been in industrial and waste use for some time, this small part of the SNCI has lost any wildlife interest that might have once existed.

6.26 It is considered that provided the recommended mitigation measures are carried out, the proposed development is unlikely to have a detrimental impact on biodiversity and can therefore be supported from an ecological perspective. With regard to the SNCI, it is noted that due to the location of the proposed inert waste treatment pad on the eastern flank of the site, which is furthest from and downwind of the SNCI, the potential dust impacts on the SNCI would be minimised. Furthermore, as previously noted in paragraph 6.14 above, the proposal already includes dust mitigation measures such as the atomiser and the applicant would be required by planning condition to submit an updated Dust Management Plan.

6.27 The proposed development would not have a significant adverse impact on the Hollington Valley SNCI or any other nature conservation sites, and therefore complies with Policy WMP27 of the Waste and Minerals Plan and Policy EN6 of the Hastings Local Plan Planning Strategy.

Traffic Impacts

6.28 Policy WMP26 (Traffic Impacts) of the Waste and Minerals Plan sets out the transport criteria and scenarios under which proposals will be permitted. The proposal does not now involve any change to the volume of traffic generated at the site. To ensure that volumes of traffic at the site do not increase, the existing planning condition on permission HS/651/CM, which imposes daily limits on the volume of HGV and skip truck movements, would be kept and re-applied if planning permission is granted. Furthermore, an additional planning condition is proposed requiring the applicant to maintain records of daily vehicle movements (skip trucks and HGV's) which would have to be made available to the Waste Planning Authority upon written request. Consequently it can be concluded that the proposal would not have an

unacceptable adverse impact upon existing highway conditions, and it thus accords with the requirements of Policy WMP26 of the Waste and Minerals Plan.

7. Conclusion and reasons for approval

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

7.2 The proposal is for a new building for the storage of metals, and a number of additions and changes to the existing planning permission, the main change being the crushing and processing of inert waste externally. The proposal is considered acceptable in waste management terms, but without details and reliable noise assessment, the part of the proposal that involves the external crushing and processing of inert waste cannot be recommended for approval on a permanent basis.

7.3 The external waste crushing and processing parts of the proposal should be restricted to a temporary period of 12 months, through the use of planning conditions. The proposal does include some means of controlling noise and dust, and in conjunction with additional restrictions and controls that could be imposed using planning conditions it would be possible to fulfil the requirements of Policy WMP25 of the Waste and Minerals Plan and Policy DM6 (c) of the Hastings Development Management Plan (2015).

7.4 The new building and proposed changes would enable the applicant's business to operate more effectively and efficiently, with additional waste recovery allowing the diversion of more waste away from landfill. Detailed mitigation measures such as the new mist atomiser (for dust control) have been included in the proposal and proposed planning conditions should further ensure that there is no undue unacceptable effect on amenity.

7.5 The proposal is therefore considered to comply with the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013) Policies: WMP3b (Waste Hierarchy), WMP22 (Expansion and Alterations Within Existing Waste Facilities), WMP23A (Design Principles for Built Waste Facilities), WMP25 (General Amenity), WMP 26 (Traffic Impacts), WMP27 (Environment and Environmental Enhancement); the Hastings Local Plan 2011-2028 Planning Strategy (2014) Policy EN6 (Local Wildlife Sites); and the Hastings Development Management Plan (2015) Policy DM1 (Design Principles), Policy DM3 (General Amenity), Policy DM6 (Pollution and Hazards).

7.6 In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the

NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.7 There are no other material considerations and the decision should be taken in accordance with the development plans.

8. Recommendation

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

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

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

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

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

3. Notwithstanding the provisions of Part 7, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, plant or machinery shall be extended, altered or installed at the site (other than as expressly authorised by this permission), unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To enable the Waste Planning Authority to control the future use of the site in order to protect the amenity of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

4. Construction of the metals storage building and 'Proposed Inert Waste Treatment Pad' hereby permitted, shall not take place until a scheme for the provision of surface water drainage (including a timetable for implementation) has been submitted to and approved in writing by the Director of Communities, Economy and Transport and implemented thereafter. The drainage works shall be fully implemented in accordance with the approved details including the timetable.

Reason: To ensure satisfactory drainage of the site and to prevent water pollution and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

5. Construction of the 'Proposed Inert Waste Treatment Pad' shall not commence until details of the exact location and size of the Treatment

Pad have been submitted to and approved in writing by the Director of Communities, Economy and Transport. The Treatment Pad shall be fully constructed in accordance with the approved details.

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

6. There shall be no external waste processing operations (crushing with the bucket crusher, grading, processing and mechanical sorting of waste) or storage of waste, on the area marked 'Proposed Inert Waste Treatment Pad' on Drg. No. SWML/02A (Site Layout Plan dated 09/09/2014 Revised 04/08/2015) until the full completion of the new concrete surface of the pad and the full completion of the erection of the 'Inert Waste Storage bays' and 'Push Wall', and the full completion of the surface water drainage as required by Condition 4.

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

7. Construction of the 'Inert Waste Storage Bays' and 'Push Wall' shown on approved plan Drg. No. SWML/02A (dated 09/09/2014 Revised 04/08/2015) shall not take place until full details of the proposed 'Inert Waste Storage Bays' and 'Push Wall', including cross section drawing plans, have been submitted to and approved in writing by the Director of Communities, Economy and Transport. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

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

8. Within 5 working days of the commencement of waste processing operations (crushing with the bucket crusher, or grading, processing or mechanical sorting/screening of waste) on the area marked 'Proposed Inert Waste Treatment Pad' on Drg. No. SWML/02A (Site Layout Plan dated 09/09/2014 Revised 04/08/2015), the operator shall provide written notification to the Director of Communities, Economy and Transport, stating the date that external waste processing operations commenced.

Reason: 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 Local Plan 2013.

9. The waste processing operations (crushing, grading, processing and mechanical sorting/screening of waste) on the area marked 'Proposed Inert Waste Treatment Pad' on Drg. No. SWML/02A (Site Layout Plan

dated 09/09/2014 Revised 04/08/2015) shall cease within 12 months of the date of commencement as defined by Condition 8 above. On cessation of the waste processing operations on the area marked 'Proposed Inert Waste Treatment Pad', all mechanical waste processing, crushing and grading must be confined to within the footprint of the main Waste Transfer building.

Reason: 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 Local Plan 2013.

10. Construction of the metals storage building shall not commence until full details of the colour of the materials to be used for the external surfaces of the building hereby permitted, have been submitted to and approved in writing by the Director of Communities, Economy and Transport. Development shall be carried out in accordance with the approved details, and thereafter retained.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policy WMP23a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

11. No activity or operation associated with the permitted use of the site including vehicle movements to and from the site, shall be carried out other than between the hours of 07.00-18.00 on Monday to Friday inclusive and the hours of 07.00-13.00 on Saturdays, and at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Communities, Economy and Transport.

Reason: To protect the amenity of the locality, in accordance with Policy WMP25a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013

12. Notwithstanding the requirements of Condition 10 of this permission, there shall be no crushing, grading, or other mechanical processing of inert waste materials at the site, and no external (i.e. outside of the footprint of the waste transfer building) emptying/unloading of skips, containers or vehicles transporting waste, other than between the hours of 08.00-17.00 on Monday to Friday inclusive. There shall be no external processing on Saturdays, Sundays, Public and Bank Holidays.

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 Policy DM3 of the Hastings Development Management Plan (2015).

13. There shall be no sorting, loading, unloading, processing, crushing, grading or storage of waste outside the footprint of the waste transfer building, except for the types of waste listed in Appendix 5 (List of 'Specified Wastes') on page 34 of the Supporting Statement dated July 2015 unless otherwise agreed in writing in advance by the Director of Communities, Economy and Transport.

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

14. There shall be no crushing, grading, processing, sorting, loading or unloading of Specified Wastes (listed in Appendix 5 of the Supporting Statement dated July 2015) at the site, other than on the area marked 'Proposed Inert Waste Treatment Pad' on Drg. No. SWML/02A (Site Layout Plan dated 09/09/2014 Revised 04/08/2015), or within the footprint of the waste transfer building.

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.

15. There shall be no storage of the types of waste listed in Appendix 5 (List of 'Specified Wastes') on page 34 of the Supporting Statement dated July 2015 at the site other than within the 'Inert Waste Storage Bays' shown on approved plan Drg. Number SWML/02 Revised 04/08/2015 or within skips or containers located in the 'Proposed Skip Storage Area' indicated on Drg. Number SWML/02A Revised 04/08/2015.

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

16. There shall be no storage of Specified Wastes or recycled materials on the 'Proposed Inert Waste Pad' on Drg. No. SWML/02 (Site Layout Plan dated 09/09/2014) other than within the 'Inert Waste Storage Bays' shown on Drg. No. SWML/02A Revised 04/08/2015.

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 Policy DM3 of the Hastings Development Management Plan (2015) and to enable the County Planning Authority to control and regulate the use of the site.

17. Waste stored in the 'Inert Waste Storage Bays' shown on Drg. No. SWML/02A (dated 09/09/2014 Revised 04/08/2015) shall not be stacked or deposited to a height within 50cm of the top of the rear wall, or beyond 3 metres above ground level, whichever is the lowest.

The operator shall provide and maintain a clearly visible marker line on the rear wall of railway sleepers at a height of 3 metres above ground level.

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

18. The metals storage building shall only be used in association with waste metals recovery and the uses set out in Paragraph 3.2 of the Supporting Statement dated July 2015.

Reason: To enable the County Planning Authority to control the future use of the site in order to protect the amenity of the area in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

19. No more than 40 skip lorry movements (i.e. 20 in and 20 out) and eight 28 tonnes container lorry movements (i.e. 4 in and 4 out) shall take place to and from the site per day without the prior written agreement of the Director of Communities, Economy and Transport.

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

20. A record of daily vehicle movements (skip lorries and HGVs) to and from the site shall be maintained and, upon request, be made available to the County Planning Authority.

Reason: In order to allow the County Planning Authority to monitor and control the number of vehicle movements associated with the development.

21. The operational noise levels from the site between the hours of 07.00 - 18.00 from Monday to Friday inclusive and 07.00 - 13.00 on Saturdays, measured as LAeq 1hr (freefield) (at the residential properties of the Emmaus site) and in accordance with British Standard 4142:2014, shall not exceed the background LA 90 value.

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

22. Within 5 days of the bucket crusher being brought onto the site, the operator shall provide written notification to the Director of Communities, Economy and Transport, stating the date that the bucket crusher was brought onto the site so that within 2 months of the new bucket crusher being used on the site, a noise survey shall be undertaken in accordance with BS 4142:2014, and, the results shall be submitted forthwith in a

report to the Director of Communities, Economy and Transport. The survey shall take place while the bucket crusher is being used to crush inert waste, and shall demonstrate whether the noise levels required by Condition 21 are being achieved. If the survey does not demonstrate such compliance then the report must include measures to reduce noise, that shall be first agreed in writing by the Director of Communities, Economy and Transport, such that the noise levels required by Condition 21 will be met. These measures shall be implemented within a time period to be agreed with the Director of Communities Economy and Transport, and compliance shall be demonstrated to the Director's satisfaction which will be given in writing..

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

23. Prior to the commencement of external processing operations, a scheme to control and manage the emission of dust and litter, (including a timetable for implementation) shall be submitted to and approved by the Director of Communities, Economy and Transport. The scheme shall include:

- (a) Measures to minimise dust and litter from waste loading, unloading, sorting and processing activities;
- (b) Measures to minimise dust and litter from vehicles entering, exiting and travelling within the site;
- (c) Measures to minimise the opportunity for dust and litter to escape from the waste transfer building and from the site boundaries;
- (d) Measures to ensure that any wind-blown litter from the site is cleared from open areas of the site and areas adjacent to the site at the earliest opportunity;
- (e) Details of how these measures will be managed;
- (f) Details of monitoring arrangements which shall be employed to regularly monitor the success of the measures required by parts (a - d) above.

Any approved equipment shall be maintained in accordance with the manufacturer's instructions at all times. The approved scheme shall be fully implemented in accordance with the agreed timetable and any changes to the approved scheme shall first be approved in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity and the protection of the adjacent Site of Nature Conservation Importance, and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste Local Plan 2013

24. The external storage of skips and 'roll on, roll off containers' shall only take place within the 'Proposed Skip Storage Area' indicated on Drg. Number SWML/02A (dated 09/09/2014 Revised 04/08/2015) unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Skips or containers shall not be stacked to a height exceeding 3 metres above ground level.

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 Policy DM3 of the Hastings Development Management Plan (2015) and to enable the County Planning Authority to control and regulate the use of the site.

25. The external storage of skips and 'roll on, roll off containers' which contain waste or recycled materials shall only take place within the 'Proposed Skip Storage Area' indicated on Drg. Number SWML/02A (dated 09/09/2014 Revised 04/08/2015) and shall be limited to a maximum number of 10 skips and 5 'roll on, roll off containers', unless otherwise agreed in writing by the Director of Communities, Economy and Transport. Skips or containers which contain waste shall not be stacked upon one another.

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 Policy DM3 of the Hastings Development Management Plan (2015) and to enable the County Planning Authority to control and regulate the use of the site.

26. No artificial external lighting, including floodlighting, shall be installed or used in relation to the Waste Transfer Station/Skip Hire Depot other than in accordance with details that are first submitted to and approved in writing by the Director of Communities, Economy and Transport.

Reason: In the interests of amenity and the protection of the adjacent Site of Nature Conservation Importance, and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013

27. The boundaries of the application site shall be secured by fencing which shall be maintained in good order at all times and any damaged or broken sections replaced within two weeks of site staff being notified of the damage or breakage, to the satisfaction of the Director of Communities, Economy and Transport.

Reason: In the interests of amenity and the protection of the adjacent Site of Nature Conservation Importance, and to comply with Policy EN6 of the Hastings Local Plan 2011-2028 Planning Strategy (2014) and Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

28. There shall be no servicing or maintenance of HGV's on the site except for emergency repairs.

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 to enable the County Planning Authority to control and regulate the use of the site.

29. No retail sales shall take place on the site.

Reason: To enable the County Planning Authority to control and regulate the use of the site.

Schedule of Approved Plans

Drawing SWML04 Elevations, Revised Supporting Statement July 2015
SWML02A Vers2, Site Layout Plan Revised 04/08/2015

RUPERT CLUBB
Director of Communities, Economy and Transport
3 November 2015

BACKGROUND DOCUMENT

See file HS/759/CM