

Committee: **Regulatory Committee
Planning Committee**

Date: **13 April 2016**

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

Proposal: **Proposed variation of Conditions 8 (noise levels), 9 (hours restricting outdoor activities) & 10 (hours restricting HGV movements) of planning permission WD/715/CM**

Site Address: **The Woodland Centre, Whitesmith
Chiddingly, East Sussex, BN8 6JB**

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

Application No. **WD/771/CM**

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

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

Local Member: **Councillor Nick Bennett**

SUMMARY OF RECOMMENDATIONS

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

CONSIDERATION BY THE HEAD OF PLANNING AND ENVIRONMENT

1. The Site and Surroundings

1.1 Woodlands Composting Facility is located on the east side of the A22 between Uckfield and Hailsham, to the south-east of the village of Whitesmith. The site comprises an area of about 3 hectares. The facility is one of several businesses located within The Woodland Centre, a commercial and industrial site. The application site is largely surrounded by arable fields, woodland and tree and hedgerow boundaries, with the other business uses located between the facility's composting hall and the A22. All the businesses share a common bell mouth junction access to the A22, which has a northbound dedicated right turn facility.

1.2 The nearest residential properties at East Haven Cottages (to the north west between the site entrance and Whitesmith village) and Providence House (west of the A22 to the north-west of the main entrance) are just over 200 metres from the composting building and approximately 130 metres and 80 metres from the entrance to The Woodland Centre, respectively. Whitesmith village is about 500 metres to the north-west.

1.3 Woodlands Composting Facility building is fully enclosed, incorporating a waste reception area, composting tunnels, maturation hall, refining hall, final product storage hall and access/circulation areas. The biofilter plant is located above the building housing the composting tunnels. Twin flues stand at a height of 18 metres above ground level, compared with a main building height of 15 metres. The site also contains a separate visitor centre/administration building, weighbridge, water treatment building, parking and circulation areas, water retention ponds and areas of landscaping, together with a wildlife area.

2. The Proposal

2.1 The applicant is seeking permission to vary Conditions 8, 9 and 10 of planning permission WD/715/CM (but refer to paragraph 2.2 below). The changes relate to extending the hours of operation in the mornings by one hour on Mondays to Fridays inclusive from 08.00 to start at 07.00 for outdoor activities (Condition 9) and heavy goods vehicle (HGV) movements (Condition 10). As a result of the proposed changes to Conditions 9 and 10, Condition 8 is also affected, as this condition relates to noise level limits during outdoor operational activities. Therefore, as the applicant is proposing to extend operational times by one hour in the mornings between Mondays and Fridays, Condition 8 needs to be varied to reflect this.

2.2 The applicant has subsequently discussed the merits of varying Condition 9 with the Waste Planning Authority. The applicant had originally considered that the hours relating to outdoor operational activities included HGV movements and therefore, the hours relating to Condition 9 should match those under Condition 10. However, it is now considered that the restriction under Condition 9 relates to activities other than HGV movements and is therefore separate from the restriction under Condition 10. Consequently, there is now no longer a need to vary and extend the time restriction under Condition 9.

2.3 According to the applicant, the reasons for the application are to allow for greater operational flexibility and to ensure that the operational hours tie in with the typical operational hours of other Veolia facilities, as well as third party landscape operating contractors.

3. Site History

3.1 A planning application was first submitted in 2005 and planning permission for the construction and operation of an enclosed composting facility including ancillary infrastructure, visitor centre and wood chipping facility was granted in September 2007, subject to conditions and the

completion of a S106 legal agreement (reference WD/457/CM). A further permission was granted for the inclusion of a water treatment building in 2009 (reference WD/598/CM), which is positioned in the location of the approved wood chipping facility, which the applicant did not wish to implement.

3.2 Planning permission was also granted in 2013 (ref. WD/715/CM) for the variation of Condition 22 of permission WD/457/CM to increase the maximum annual throughput of material to 60,000 tonnes, including 15,000 tonnes of food waste and the removal of the control on restricting the source of waste.

4. Consultations and Representations

4.1 Wealden District Council raises no objections.

4.2 Chiddingly Parish Council recommends refusal as it is considered that there were not sufficient reasons to justify the change in business hours. It is aware that there are two letters of objection from neighbouring properties and considers that the proposal would cause an unnecessary level of disturbance to them. It was also noted that none of the other businesses on the site open before the hours of 08.00.

4.3 Highway Authority raises no objections, as the extension to operating hours is not considered to be harmful in the context of the vehicle volumes already on the Holmes Hill part of the A22 during the time period requested.

4.4 Environment Agency has not submitted any observations.

4.5 Representations: Three letters of objection have been received. Two are from the occupiers at Providence House, who object on the grounds that the plant will be operating for an additional 7 hours a week and outside the operating hours of the Timber Yard. Consequently, it would generate additional noise and traffic, which will have a detrimental impact on the relatively quiet weekends. This would contravene the reasons for the conditions, which are to safeguard the residential amenities of occupiers in the vicinity of the site. The third letter of objection is from the occupier at 2 East Haven Cottages, who objects on the grounds that there are on-going noise issues which are being investigated and an extension to operating hours would be unacceptable while the current noise issues are unresolved. Outdoor activities include the use of a loading shovel with its anti-social reversing buzzer.

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

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP3b (turning waste into a resource); WMP22 (expansions or alterations to existing facilities); WMP25 (general amenity); WMP26 (traffic impacts).

5.2 Wealden District Local Plan 1998: Saved Policy EN27 (Design & Layout of Development).

Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the NPPF. However, the Saved Policies are considered by the Waste Planning Authority to be in general conformity with the overarching principles of the NPPF.

5.3 Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted in February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. Currently, saved development management policies contained in the Wealden Local Plan 1998 remain part of the Development Plan for the area.

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**

Purpose of development

6.1 Policy WMP22 of the Waste and Minerals Plan supports an increase in operational capacity within the site boundary of existing waste management facilities where it can be demonstrated that the development is required to improve the operational efficiency of the facility and the development would contribute towards meeting the objectives of the Plan.

6.2 Currently, under the provisions of Condition 10, no HGV movements are allowed at the site other than between the hours of 08.00 and 18.00 Mondays to Fridays and between the hours of 08.00 and 13.00 on Saturdays, Sundays and Bank Holidays. Although the applicant has been able to manage the importation of waste and export of compost product at the facility during these hours, the morning start time is considered by the applicant to be relatively late, particularly when compared to other Veolia facilities, such as the transfer stations at Pebsham and Maresfield, which are operational from the hours of 06.30 and 07.00, respectively. Consequently, the applicant is

seeking greater operational flexibility at the composting facility so that the operating hours tie in more readily with those of other sites, thereby obviating the need for HGV imports and exports having to wait until 08.00. Moreover, landscape contractors and farmers, who wish to collect compost product for use in their businesses, are also constrained by the start time and would collect material earlier if this was permitted.

6.3 The applicant had originally proposed to extend the start time for each day in the week for HGV movements but has subsequently indicated that this need only apply to between Mondays and Fridays inclusive, excepting Bank Holidays. While the applicant would wish to have operational flexibility throughout the week, it acknowledges that weekend and Bank Holiday contract working is actually very rare and considers that an earlier start time on these days is now unnecessary.

6.4 Therefore, an earlier start time for HGV movements importing waste for composting purposes and exporting compost related materials, would enable the applicant to provide a more efficient service in both managing waste and providing a service to its customers. This is supported, in principle, by Policy WMP22 of the Waste and Minerals Plan.

Effect on amenity

6.5 Policy WMP25 of the Waste and Minerals Plan requires, inter alia, that proposals should ensure that there is no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development, and, that adequate means of controlling noise and other emissions are secured.

6.6 The main issue regarding the proposed increase in operating times for HGV movements is the potential for noise. The objections to the proposal refer to this and the potential effect on amenity.

6.7 In considering the potential effect of the composting site on local residents, the operational hours of other businesses within The Woodland Centre site need to be considered, together with the Centre's proximity to the A22. The A22 is a well used primary road and is already busy with traffic at 07.00. The proposal would not result in any increase in the overall number of HGV movements visiting the site, which is controlled by a separate condition, only that the vehicles accessing the site from 08.00 would instead have the option to enter from 07.00. This means that generally the number of vehicles seeking access between 07.00 and 09.00 would be similar to the numbers currently accessing the site between 08.00 and 09.00. This amounts to an average of 3-4 HGVs in peak season and 1-2 HGVs at off-peak times.

6.8 Given that relatively few vehicles would be seeking to access the site between 07.00 and 08.00, it would be unlikely that local residents would perceive any significant change in noise levels between vehicles entering the site and those passing along the A22 adjoining the site. Moreover, the depot facility stationed at The Woodland Centre is permitted to use vehicles from its

site from 05.30 on any day and the timber forestry business, which is also located within The Woodland Centre, has no restrictions on its planning permission regarding the times in which vehicles can either enter or leave the site.

6.9 The dominant noise experienced by local residents is from traffic on the adjoining A22. The noise threshold set in Condition 8 is intended to ensure that the level of noise experienced during the day by local residents from the composting facility is considerably below the level of noise experienced from the A22. The existing Condition 8, which sets noise emission levels from the site, should reflect the proposed change under Condition 10 with regard to the hours of operation and activities undertaken therein. Therefore, the applicant proposes to include the additional hour from 07.00 to 08.00 within the same threshold as that currently set for operational activities from 08.00. This would raise the noise threshold between 07.00 to 08.00 from 40 dB Leq, 1hr (free field) to 45 dB Leq 1hr (free field). However, noise monitoring carried out by the applicant in 2010 indicates that, because the dominant noise is from the A22, there would be no material change to the acoustic environment to receptors between 07.00 and 08.00 under the prevailing circumstances.

6.10 Consequently, the proposed changes would not materially affect residential amenity. The changes would comply with the relevant British Standards, World Health Organisation guidance and the National Planning Policy Guidance on noise emissions and would not conflict with Policy WMP25 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 to now vary two conditions on the existing planning permission relating to HGV movements and the associated time periods relating to noise limits. Under Condition 10, the applicant proposes to commence HGV movements at 07.00 instead of 08.00 from Mondays to Fridays (save Bank Holidays), which would more closely align with the operating hours of other Veolia facilities. This would allow waste to be managed more efficiently in accordance with Policy WMP22 of the Waste and Minerals Plan. The noise threshold currently set for the period from 08.00 is proposed from 07.00. However, due to the dominant noise from traffic on the A22, the change will make no material difference to the local acoustic environment and there would be no material effect on residential amenity. The proposed changes to conditions are considered to be acceptable and planning permission is therefore recommended for approval.

7.3 In determining this planning application, the County Council has worked with the applicant 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) (Amendment No.2) Order 2012.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

8. Recommendation

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

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

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

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

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

3. The scheme for the provision of a telephone line for dealing with complaints from members of the public which was approved on 3rd March 2008 shall continue to be operated in full accordance with the approved details.

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

4. Notice in writing of any complaint made by a member of the public about any matter associated with the development shall be given to the Head of Planning and Environment no later than the next working day after the complaint was received. The notice shall include a description of the complaint, the name and address of the person making the complaint and the action proposed as a result.

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

5. The scheme for controlling dust during operations of the plant which was approved on 23rd July 2008 shall continue to be carried out in accordance with the approved details.

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

6. Any retained trees, shrubs or hedges on the site which within a period of five years from the completion of the development die, are removed, uprooted or destroyed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species unless where otherwise agreed in writing by the Head of Planning and Environment.

Reason: To safeguard the specified landscape features in the interests of visual amenity and ecology in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. Any trees or shrubs planted as part of the landscaping scheme which was approved on 11th July 2008 which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless otherwise agreed in writing with the Head of Planning and Environment.

Reason: To ensure the satisfactory appearance of the development in the context of the surrounding landscape in accordance with Policies WMP25 and WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. During the operation of the centralised composting facility noise emitted from all operational activities shall not exceed:

A) 45 dB LAeq, 1h (free-field) at any residential boundary between the hours of 07.00 - 18.00 Mondays to Fridays inclusive (save Bank Holidays) and 08.00 - 13.00 Saturdays and all noise sources will be free from any discernable characteristics, such as tonal or impulsive noise.

B) 40 dB LAeq, 1h (free field) at any residential boundary between the hours of 18.00 - 23.00 Mondays to Fridays inclusive, and 07.00 - 08.00 and 13.00 - 23.00 hours Saturdays, and 07.00 - 23.00 hours Sundays and Bank Holidays, and all noise sources will be free from any discernable characteristics, such as tonal or impulsive noise.

C) 26 dB LAeq, 1h (free-field) at any residential boundary between the hours of 23.00 - 07.00 every day, and all noise sources will be free from any discernable characteristics, such as tonal or impulsive noise.

Reason: To safeguard the residential amenities of occupiers of properties in the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. No outdoor operational activities will be permitted outside of the hours of 08.00 - 18.00 Mondays to Fridays inclusive and 08.00 - 13.00 Saturdays, without the prior written consent of the Head of Planning and Environment, other than in the event of an emergency, written details of which shall be provided to the Head of Planning and Environment within three calendar days of the event.

Reason: To safeguard the residential amenities of occupiers of properties in the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. There shall be no HGV movements associated with this development other than between the hours of 07.00 and 18.00 hours Mondays to Fridays inclusive (save Bank Holidays) and 08.00 to 13.00 hours on Saturdays, Sundays or Bank Holidays or during an emergency full details of the time, date and reason for the HGV movement shall be given in writing no later than 24 hours after there has been an HGV movement during an emergency to the Head of Planning and Environment.

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 Plan 2013.

11. Only source segregated green and food wastes up to a maximum annual (1 April - 31 March) tonnage of 60,000 tonnes material including only up to 15,000 tonnes of source segregated food waste, all arising from within the administrative area of East Sussex and Brighton & Hove shall be imported and processed at the facility. If it can be demonstrated that there is a shortfall of suitable locally sourced waste, an exception can be made for appropriate waste to be treated from outside the Waste and Minerals Plan Area with the prior written approval of the Head of Planning and Environment. No material shall be imported to the site unless and until all odour control facilities including negative air-pressure systems and biofilters are provided. Thereafter, the odour control arrangements shall be maintained in full working order in accordance with the Odour Management Plan.

Reason: To conform to Policy WMP3b of East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, and in the interests of the amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. No compostable material shall be stored outside the building unless the material is oversized or the direct product of wood chipping where all such material shall only be stored either within the oversized storage bay or wood chipping area shown on drawing A4621-301 Rev Q approved

under planning permission WD/457/CM, except where otherwise agreed in advance in writing by the Head of Planning and Environment.

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

13. The scheme for the illumination of the external faces of the site buildings, structures or other external areas which was approved on 19th January 2009 shall continue to be implemented in accordance with the approved details.

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

14. Any fuel, oil lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain the equivalent of 110% of the total content of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both oil and water. The pipes shall vent downwards into the bund.

Reason: To prevent pollution to land and water in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. Unless with the prior written approval of the Head of Planning and Environment, there shall be no more than an average, when measured over 1 year (1 April - 31 March), of 72 HGV (i.e. lorries in excess of 7.5 tonnes un-laden weight) movements per day (i.e. 36 in and 36 out) entering or leaving the site and, in any event, on any one day there shall be no more than 108 HGV movements entering or leaving the site.

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 Plan 2013.

16. Notwithstanding the provisions of the Town and Country Planning (Use classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no other uses of the building shall take place, other than as expressly authorised by this permission.

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

17. No storage container, skip sorted or unsorted waste material or residue of recycled materials or any other items shall be stored outside the building, except with the prior written consent of the Head of Planning and Environment.

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 Plan 2013.

18. There shall be no processing machinery operating outside the building or any treatment, sorting, loading or unloading of waste or recyclable materials other than within the building, unless otherwise agreed in writing by the Head of Planning and Environment.

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 Plan 2013.

19. There shall be no servicing or maintenance of Heavy Goods Vehicles on the site except for emergency repairs for the reasons of road safety.

Reason: To enable the Head of Planning and Environment to control the future use of the site in the interests of the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

20. No retail sales to the public shall take place on the site.

Reason: To enable the Head of Planning and Environment to control the future use of the site in the interests of the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

21. The Travel Plan which was approved on 28th September 2009 shall continue to remain in force and be developed in accordance with the approved details.

Reason: To increase awareness and use of alternative modes of transport for travel to and from the site.

22. The scheme for surface water drainage which was approved on 30th June 2008 shall be maintained in accordance with the approved details.

Reason: To prevent an increase in the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

23. There shall be no new buildings, structures (including ponds, gates, walls and fences), car parks, tree planting or construction of raised ground levels within 3 metres of the adjacent watercourses, inside or along the

boundary of the site, unless agreed otherwise in writing by the Head of Planning and Environment.

Reason: To protect the watercourse corridor, in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

24. The handling/storage areas where waste is received, handled, treated or stored must have an impervious base and be designed to ensure the containment of potentially polluting process liquors and all contaminated surface water.

Reason: To prevent the contamination of water sources in accordance with Policies WMP28a and WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

INFORMATIVES

1. Introduction of fish into any pond requires the consent of the Environment Agency.
2. Under the terms of the Water Resources Act 1991 written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or on to the ground or into waters which are not controlled waters. Such approval may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is advised to contact the Regulatory Water Quality Team to discuss this matter further.
3. The applicant remains bound by the provisions of the S.106 Deed of Agreement dated 14th September 2007.

Schedule of Approved Plans

Site Plan A4621-002, Site Operations Plan with Water Treatment A4621 5000A

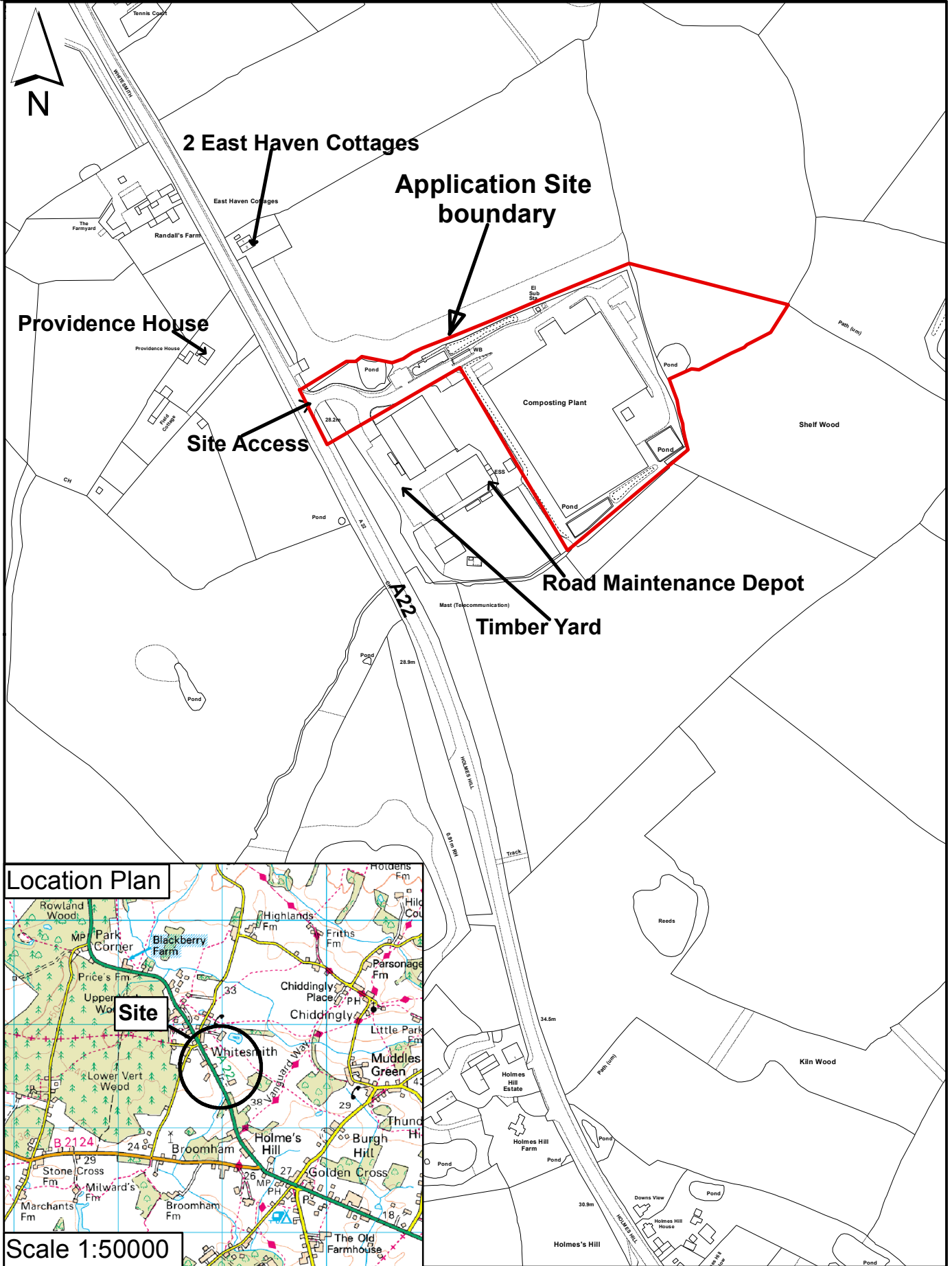
TONY COOK
Head of Planning
5 April 2016

BACKGROUND DOCUMENTS

Application file WD/771/CM
Planning permission WD/715/CM
The Development Plan
NPPF

WD/771/CM

The Woodland Centre, Whitesmith, Chiddingly



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