

Committee: **Regulatory
Planning Committee**

Date: **18 May 2016**

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

Proposal: **Change of use of building for the dismantling and
recycling of end of life motor vehicles**

Site Address: **Unit 3, The Birch Industrial Estate, Eastbourne**

Applicant: **SD Car Parts LTD**

Application No. **EB/773/CM**

Key Issues: (i) **Purpose of development**
(ii) **Parking and Access**
(iii) **Flood Risk and Drainage**
(iv) **Effect on Amenity**

Contact Officer: **Jeremy Patterson - 01273 481626**

Local Member: **Councillor David Tutt**

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 application site is Unit 3, which is located in The Birch Estate, which forms part of the much larger Birch Road Industrial Estate. This, in turn, is located within a major commercial and industrial area of Eastbourne, centred on the Lottbridge Drove highway (A2290).

1.2 Unit 3 is single storey and provides about 90 square metres of floorspace via a roller shutter door and separate pedestrian door, and includes an office and toilet. The Unit forms part of a terrace of industrial units, which combine with two other terraces within The Birch Estate, comprising 18 units in total. These face onto a central parking area, which is accessed from the north via a single track from Birch Road.

1.3 Unit 3 is currently used for motor repairs and the neighbouring units accommodate a range of industrial uses, including other vehicle repair and servicing operations.

2. The Proposal

2.1 The proposal is for a change of use from the existing motor repair business to an operation for the dismantling and recycling of end of life vehicles, which are classified as waste. The principal source of this waste would be from vehicle auctions. Materials arising from the recycling operation would be separated and temporarily stored within the unit before being transferred off site for processing elsewhere.

2.2 All processing would take place in the Unit with none outside. The applicant states that no more than 3 end of life vehicles would be delivered to the site each week for de-polluting and dismantling. Two employees would be stationed at the site. The vehicles would be transported to the Unit when space allows and would be brought immediately into the Unit for dismantling. Following separation, the dismantled materials would be temporarily stored within the unit before being collected for transportation off-site to other specialist waste processing operators. The dismantled materials would include various liquids, metals, electrics, glass and textiles.

2.3 The applicant estimates that about 5 loads of separated materials would be transferred from the Unit each week, although collections would vary from week to week, depending on the volume of material available for collection. There is expected to be one collection for all liquids each week, which would form part of an existing round in the locality, undertaken by a specialist waste liquids operator. The applicant expects to make 3 deliveries of scrap each week to a site in Hailsham and 1-2 other weekly collections would take place, involving other materials. A standard vehicle recovery truck would deliver all vehicles to the site and transfer the vehicle shell once gutted. Other materials would be removed by transit-type vans.

2.4 The proposed hours of operation would be between 0800-1800 Mondays to Fridays and 0900-1300 on Saturdays.

3. Site History

3.1 There is no relevant County Planning history.

4. Consultations and Representations

4.1 Eastbourne Borough Council raises no objections, although recommends that a condition is included which restricts the storage of end of life vehicles within the Unit and for no parking or storage of such vehicles outside.

4.2 The Highway Authority raises no objections and notes that this site is in a well established industrial estate and the local highways network has been designed to the standard required for industrial/commercial traffic. The proposed use would create a similar level of vehicle trips compared to a B1 use and provides adequate parking and access.

4.3 The Environment Agency raises no objections subject to the inclusion of conditions regarding the requirement of surface water drainage through oil interceptors, and appropriate storage facilities. The Agency also recommends that the applicant should provide for appropriate training, procedures and equipment at the site so that staff can respond to emergencies.

4.4 ESCC Flood Risk Management notes that, as the proposal is for a change of use of an existing building, with no increase in impermeable area, it is considered to be at low risk in terms of surface water flooding. Consequently, there are no comments to make on the details of the proposal.

4.5 Representations: Four representations have been received objecting to the proposal. Three are from occupiers of units within the industrial estate who object on the grounds that the development would exacerbate existing parking problems and congestion on the estate. Parking restrictions are not enforced properly and delivery lorries struggle to gain access. Unit 3 backs onto Unit 1 and there would be noise and fumes. There is uncertainty as to how everything would be managed and stored on site. Parking end of life vehicles would be dangerous.

References from one of these representations are made to the existing operations and operator at Unit 3, who manages car repairs; the existing operator at Unit 3 is not the applicant.

The fourth representation is from the company which manages the communal areas of the Estate and the objections relate to: (i) Unit 3 is not suitable for the proposed use, the building is not designed for such a use and that noise, fumes and vibrations cannot be contained within it. The storage of highly combustible materials could become a fire hazard; (ii) The application refers to the dismantling of 5 vehicles per week. The Unit can only accommodate 2 vehicles at any one time and other vehicles would have to be kept outside, which would detract from the appearance of the Estate; & (iii) It has been suggested that vehicles outside Unit 3 can be parked outside within the current parking arrangements. However, there are existing problems with the abuse of the parking arrangements in the Estate and the parking of end of life vehicles will exacerbate the problem.

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); WMP7a (Sustainable Locations for Waste Development); WMP25 (General Amenity); WMP26 (Traffic Impacts); WMP28a (Flood Risk).

5.2 Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013): Policy D2 (Economy).

Eastbourne Borough Council has not formally determined whether its Saved Policies in the Eastbourne Borough Local Plan are in general conformity with the NPPF. The Saved Policies are considered by the County Planning Authority to be in general conformity with the overarching principles of the NPPF.

5.3 The 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. Part 10, which includes the matter of flood risk, is relevant in this case.

5.4 The National Planning Policy for Waste (NPPW) 2014

The NPPW sets out the government's detailed waste planning policies.

5.5 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan Submission Consultation Draft 2015: Policy SP5 (Existing Industrial Estates).

5.6 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan Schedule of Suitable Industrial Estates 2015: I/AP The Birch and Maple Road Industrial Estate, Lottbridge Drove, Eastbourne.

5.7 Eastbourne Borough Council Employment Land Local Plan 2016 (ELLP) – Submitted for Examination in February 2016: Policy EL2 (Industrial Estates). The ELLP provides a review of the Eastbourne Core Strategy Local Plan Policy D2.

6. Considerations

Purpose of development

6.1 The Waste and Minerals Plan requires that proposals for development should contribute to the implementation of the Waste Hierarchy by seeking to manage waste further up the hierarchy (Policy WMP3b) and that sites for additional waste recycling facilities should be sought within Areas of Focus (Policy WMP7a). The Waste and Minerals Sites Plan Submission Consultation Draft supports, in principle, proposals for waste development on existing industrial estates and the accompanying Schedule of Suitable Industrial Estates identifies the Birch and Maple Road Industrial Estate as one of those estates. Eastbourne Borough Council's Core Strategy encourages development which supports the local jobs market and employment diversification (Policy D2). The Borough Council's emerging Employment

Land Local Plan Policy EL2 supports, in principle, non-B uses where, inter alia, the alternative use is an appropriate use to the industrial estate that cannot be located elsewhere due to its un-neighbourliness.

6.2 The proposal is a modest operation to recycle end of life vehicles and for the dismantled materials to be transferred for further processing and re-use to more specialist recycling operators. The applicant states that up to 3 end of life vehicles would be delivered weekly for dismantling, not 5, as referred to by an objector, and all dismantled parts would be stored appropriately inside the Unit. The application site is within an existing industrial estate in an Area of Focus and has been identified as a suitable location for waste management development. Although an objection has been raised on the grounds that Unit 3 is unsuitable due to its design, the units have nevertheless been built to accommodate a range of industrial activities. As such, the proposal is supported by Policies WMP3b and WMP7a of the Waste and Minerals Plan, together with the provisions of the emerging Waste and Minerals Sites Plan. Furthermore, the proposal is supported by Eastbourne Borough Council's Core Strategy on the Economy and its emerging Employment Land Local Plan.

Parking and Access

6.3 Policy WMP26 of the Waste and Minerals Plan supports proposals for development where, inter alia, access arrangements are appropriate, the level of traffic generated would not exceed the capacity of the local road network, no unacceptable adverse impact on existing highway conditions in terms of traffic congestion and parking would arise and there are suitable arrangements for on site vehicle manoeuvring, parking, loading and unloading.

6.4 The Highway Authority has considered the proposal and raises no objections. The application site is within a well established industrial estate and the local highways network has been designed to the standard required for industrial and commercial traffic. The proposed level of vehicle movements is fairly modest and would be similar to the level of vehicle movements for other industrial and commercial uses.

6.5 Occupiers of units within The Birch Estate appear to benefit from allocated parking outside their units and have access to a communal parking area in the centre of the Estate. This central area is understood to allow parking for limited time periods and is subject to enforcement from The Estate Management Company. Although the Highway Authority notes that the site provides adequate parking and is served by an adequate access, three occupiers of other units within The Birch Estate have noted that the Estate is congested with vehicles. According to the objectors, this is because other operators do not park appropriately and there is insufficient enforcement of the parking regime. The Estate Management Company has also objected to the proposal on the grounds that the parking of end of life vehicles within the Estate would exacerbate the existing parking problems. However, matters

relating to communal parking controls within the Estate are the responsibility of the Estate Management Company.

6.6 Despite this, the application site allows for a delivery space in front of the roller shutter door and an adjoining parking space outside the Unit. The parking space would be likely to be used by one of the employee's vehicles, the recovery vehicle truck, or the van used for the transfer of dismantled recyclable materials. Additional parking, if required, would need to be found elsewhere, including within the adjacent central parking area. The applicant has stated that end of life vehicles would be delivered to the Unit when there is available space and so there should be no requirement for the parking of these types of vehicles outside. Notwithstanding this, the parking of end of life vehicles outside of the unit is not considered appropriate, due to the potential harm to the amenity of other persons and businesses within the Estate and because there would be a risk of pollution. Consequently, a condition is recommended which prohibits the parking or storage of end of life vehicles outside the Unit, which is also recommended by the Borough Council.

6.7 Subject to the recommended condition noted above, the proposed development is considered to be acceptable in terms of parking and access and raises no conflict with Policy WMP26 of the Waste and Minerals Plan.

Flood Risk and Drainage

6.8 Policy WMP28a of the Waste and Minerals Plan requires, inter alia, that development adequately provides for the implications of flood risk in that it would not increase the risk of flooding on the site or elsewhere. The site is located approximately 1.2 kilometres north-west of the English Channel, with two main rivers (the Horsey Sewer and the Crumbles Sewer) located nearby. The proximity of the rivers, combined with the low lying topography of the area, has led to the site being classified within a Flood Zone 3, which means that it is at high risk of flooding. However, as with other industrial development, the proposal is classified as 'less vulnerable' compared to other types of development.

6.9 The site and location generally currently benefits from the presence of coastal defences up to a minimum of a 1:200 year standard, although according to the Flood Risk Assessment undertaken by the applicant, analysis has shown that these defences provide a standard of protection up to the 1:1000 year for the present day at the site. The proposed change of use would not exacerbate flood risk in the locality and does not conflict with Policy WMP28a of the Waste and Minerals Plan, or the NPPF, in this respect.

6.10 Policy WMP28a of the Waste and Minerals Plan also requires that proposals should have appropriate measures in place to reduce surface water runoff.

6.11 All processing works and storage of materials would take place within Unit 3. Surface water from the Unit's external delivery and parking areas and from its roof would continue to drain to a communal soakaway positioned in

front of Unit 4. In terms of the storage of liquids arising from the de-pollution process, the applicant proposes to use suitably robust containers within a dedicated storage area. If any spillages occur within the Unit, the applicant would manage this through the application of suitable absorbent materials, which would be stored on site and by having a site incident response plan in place to deal with any spillage events.

6.12 The Environment Agency (EA) has recommended that a condition should be included so that surface water draining from areas of hardstanding should be passed through an oil interceptor prior to being discharged. However, as noted above, all processing activities would take place within the building and any spillages would be dealt with at surface level as and when necessary. Given the small scale of the proposed operation and the measures proposed to deal with any spillages, it is not considered that the excavation of the floor of the Unit to accommodate an oil interceptor is either necessary or reasonable. Surface water draining from the Unit's external areas would continue to be managed via the communal soakaway. Therefore, it is not considered appropriate that any further measures for drainage are required at the site.

6.13 In terms of storing liquids, the EA recommends that such facilities should be appropriately bunded to reduce the risk of pollution. Given the nature of the liquids which would be stored at the site, it is considered that such a requirement is necessary and a condition is recommended accordingly. Subject to the inclusion of this condition, the proposal raises no conflict with Development Plan policy on drainage.

Effect on Amenity

6.14 Policy WMP25 of the Waste and Minerals Plan requires development not to have an unacceptable effect on the amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development, including regarding noise, dust and other emissions.

6.15 Representations have been received which raise concerns regarding the potential effects of noise and fumes from the proposed use on adjoining units. Typically, industrial estates accommodate a range of industrial uses and activities. While some operations might be relatively quiet, others will be noisier or result in odours. In this case, the proposed use is likely to be noisy at times, although many of the activities carried out will not be dissimilar from operations currently undertaken at Unit 3 and elsewhere on the Estate. Given the nature of the activities which are typically undertaken on industrial estates, including waste uses, it is not considered that the proposed use would have an unacceptable effect on amenity.

6.16 The proposal would result in the delivery of 3 end of life vehicles per week, which would be processed within Unit 3. No such vehicles would be parked or stored outside the Unit, including in the communal parking area, and this would be secured by condition. Moreover, another condition is

recommended, which prohibits the storage of materials outside the Unit. Therefore, despite the concerns raised, the proposal would not detract from the appearance of the Estate, or result in a corresponding loss of visual amenity.

6.17 Subject to the recommended conditions, it is considered that there would be no adverse effect on the amenity appropriate to other occupiers and businesses within the Estate, thereby raising no 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 for a change of use from an industrial Use Class B use (motor repairs) to a use for the dismantling and recycling of end of life vehicles. As such, it represents a suitable use in this industrial location. Although the use might result in some disturbance to neighbouring units from time to time, this would be no greater than what might be expected from other types of uses carried out within industrial estates. Processing and storage of vehicles and materials would be confined to within the building and no parking of end of life vehicles would be permitted outside. There would be no increase in flood risk. As such, the proposed development complies with Policies WMP3b, WMP7a, WMP25, WMP26 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Policy D2 of the Eastbourne Borough Council Core Strategy 2013 and Policy EL2 of the Borough Council's emerging Employment Land Local Plan 2016. The proposal also complies with the provisions of the emerging East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2015. The proposal is considered to be acceptable and it is recommended that planning permission be granted.

7.3 In determining this planning application, the County Council has worked with the agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 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. No activity or operation shall take place at the site other than between the hours of 08.00 and 18.00 Mondays to Fridays inclusive and between the hours of 09.00 and 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, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenities of the locality in general, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. No end of life vehicles or any other vehicles used for the dismantling of parts or repairs shall be parked, stored, treated or processed in any way except within the building.

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

5. No vehicle parts or any materials associated with the permitted use shall be placed, stored, treated or processed in any way except within the building.

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

6. Any oil, fuel, lubricant and any other liquid or other potential pollutant shall be handled on the site in such a manner as to prevent pollution to the environment. 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 contents of all containers and associated pipework. The floor and walls of the bunded areas shall

be impervious to both oil and water. All pipework should vent downwards into the bund.

Reason: To safeguard amenity and minimise the risk of pollution, in accordance with Policies WMP25 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

INFORMATIVES

1. The Applicant's attention is drawn to the need to seek advice from the Environment Agency before the use commences regarding the requirement to obtain an Environmental Permit.
2. The Applicant should seek to undertake the following:
 1. Provide a site incident response plan to manage any spillages at the site and to train staff in the implementation of the plan.
 2. Sign up to the Environment Agency's Flood Warning Service.

Schedule of Approved Plans

Location Plan - B095.01, Existing Floor Plan - B095.02, Proposed Floor Plan - B095.02B

RUPERT CLUBB

Director of Communities, Economy and Transport

9 May 2016

BACKGROUND DOCUMENTS

Application file EB/773/CM

The Development Plan